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Saturday, April 25, 1964
Vaisakha 5, 1886 (Saka)

LOK SABHA DEBATES

Seventh Session
(Third Lok Sabha)

सत्यमेव जयते

LOK SABHA SECRETARIAT

New Delhi

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LOK SABHA

Saturday, April 25, 1964/Vaisakha 5, 1886 (Saka)

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

MEMBER SWORN

Mr. Speaker: Secretary may call out the name of the Member who has come to make and subscribe the oath or affirmation under the Constitution.

Secretary: Shri R. Kasinatha Dorai.

Mr. Speaker: The Minister of Parliamentary Affairs may introduce the Member to the House.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Sir, I have great pleasure in introducing to you and through you to the House, Shri R. Kasinatha Dorai who has been returned to Lok Sabha from Aruppukkottai constituency of Madras in the vacancy caused by the death of Shri U. Muthuramalinga Thevar.

Shri R. Kasinatha Dorai (Aruppukkottai)

ORAL ANSWERS TO QUESTIONS

Accident at Nimcha Colliery, Asansol

*1172. **Shri P. R. Chakraverti:** Will the Minister of **Labour and Employment** be pleased to state:

(a) whether it is a fact that a miner was killed on the 12th February, 1964 by the collapse of a roof in Nimcha Colliery, Asansol;

(b) whether some more miners suffered injury;

(c) whether ex-gratia payment has been made to the family of the deceased; and

(d) the findings of any enquiry, if held?

The Deputy Minister in the Ministry of Labour and Employment (Shri R. K. Malviya): (a) Yes. A mazdoor was killed owing to fall of sides.

(b) No.

(c) Yes. Rs. 200.

(d) The enquiry revealed that while setting a prop, a timber mazdoor was hit by a piece of coal which fell from the sides at a height of about 4.2 metres. He was killed instantaneously. Had the sides been kept and made secure by dressing and setting supports as required under Regulations 102 and 108 of the Coal Mines Regulations, 1957, the accident could have been averted.

Shri P. R. Chakraverti: In the context of these repeated happenings resulting in the deaths of people and also serious injuries to the workers, may I know whether Government have found out certain essentially common factors accountable for these tragedies?

Shri R. K. Malviya: So far as the factors responsible for the accidents in the mines are concerned, they are very well known. It is a hazardous occupation, and accidents are inevit-

able. But I may submit for the information of the House that the fatal accidents in our country are the least in comparison with those in the rest of the world. Whereas the number of accidents is 0.65 per thousand in our country, in America it is 2.37 per thousand.

Shri P. R. Chakraverti: Will the hon. Minister be pleased to inform us how many accidents happened from April, 1963 to March, 1964, and how many colliery owners have been prosecuted?

Shri R. K. Malviya: I shall require notice of this question.

Shri D. N. Tiwary: May I know whether the figure of the final compensation for the family of the deceased has been arrived at, and if so, what that amount is?

Shri R. K. Malviya: The usual compensation will be paid under the workmen's Compensation Act. The calculation will be made on the basis of salary per day or per month.

Shri P. N. Kayal: What is the amount of compensation paid in America in such cases?

Mr. Speaker: The hon. Minister here is not responsible for that subject.

श्री विश्राम प्रसाद : अभी मंत्री जी ने कम्पेन्सेशन के बारे में बतलाया । मैं जानना चाहता हूं कि मजदूर की फैमिली को कितना कम्पेन्सेशन दिया जायेगा जिस से उस के बच्चे पढ़ सकें और जिन्दा रह सकें ।

अध्यक्ष महोदय : इस के लिये तो रूल्स हैं, उनके मुताबिक वह काम करेंगे ।

Shri Vishram Prasad: But there must be some basis according to which they must have made some calculations.

Mr. Speaker: As for the basis of the calculation, the relevant document is accessible to the hon. Member and he can look into it.

श्री यशपाल सिंह : क्या सरकार कोल माइन्स ऐक्ट में कोई अमेंडमेंट करने जा रही है जिससे उन लोगों को और ज्यादा सेफ्टी मिल सके और इसके लिये कोई और अच्छा प्राविजन कायम हो सके ।

श्री र० कि० मालवीय : जहां तक सेफ्टी का ताल्लुक है, रेगुलेशन्स बहुत काफी सख्त हैं, और जैसे जैसे जरूरत मालूम होती जाती है रेगुलेशन्स बदलते जाते हैं । फिलहाल हम एक स्कीम इंट्रोड्यूस करने जा रहे हैं जिस के मुताबिक माइनर को खदान में एंटर नहीं करने दिया जायेगा जब तक उसकी ट्रेजिंग पूरी नहीं होती ।

Shri S. M. Banerjee: May I know whether it has been brought to the notice of the hon. Minister that the safety rules are deliberately violated by the mine-owners, and if so, what steps have been taken to see that the safety rules are properly implemented, and whether the co-operation of the union has been asked for in this connection?

Shri R. K. Malviya: So far as these rules are concerned, there are inspectors and they pay their visits periodically. Under the law, every mine-owner has to report whenever there is an accident. And whenever any accident is brought to notice, an immediate inquiry is held, and if the manager or owner is found guilty, he is prosecuted and punished.

श्री क० ना० तिवारी : जो मजदूर काम लायक नहीं रह जाते क्या उन के परिवार वालों को उन की जगह पर लेने की कोई व्यवस्था है ।

श्री र० कि० मालवीय : उनके परिवार वालों के लिये काम दिलाया जाता है ज्यादातर, और यदि कोई ऐसा मजदूर है जिस के खदान के अन्दर चोट लग गई हो और वह बेकार हो गया हो तो उस को ऐसा काम दिये जाने की कोशिश की जाती है जो वह वैसी हालत में कर सके ।

Shrimati Renu Chakravartty: May I know whether it has been brought to the notice of Government that the inspectorate and the machinery set up by Government for looking into these violations are often so corroded and the processes of law are dilatory, and if so, whether Government have evolved any method to really go into a review of the working of the entire machinery to ensure safety in mines?

Shri R. K. Malviya: It is constantly reviewed, and the inspectors make periodical reports. They have got to be out in the field for about 20 days in a month.

Shrimati Renu Chakravartty: But do they do so actually?

Shri R. K. Malviya: Unfortunately, it is a fact that we have not got adequate number of inspectors, due to some difficulties, and we are solving them.

Missing Aircraft

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*1173. **Shri Hari Vishnu Kamath:**
Shri Daljit Singh:
Shri Hukam Chand Kachhavaiya:

Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that an aircraft engaged in the search of the missing I.A.F. Ilyushin-14 aircraft while flying from Srinagar to Udhampur on the 17th February, 1964 is also missing;

(b) whether these happenings are due to a ghost station set up by Pakistan giving misleading directions; and

(c) if so, the precautionary measures being taken for future safety of our aircraft?

The Deputy Minister in the Ministry of Defence (Shri D. R. Chavan): (a) No, Sir.

(b) and (c): In the case of the missing Ilyushin-14 aircraft, the possibility of misdirection by some station in Pakistan is not ruled out. IAF pilots have, however, been suitably instructed in this regard.

Shri Hari Vishnu Kamath: How many instances have there been during the last twelve months or so when such misdirection by Pakistan radio signals is believed by Government to have taken place? And have they been on the increase since the unholy alliance between China and Pakistan?

The Minister of Defence (Shri Y. B. Chavan): As a matter of fact, after the accident to this Ilyushin, when some of our aircraft went in search of that, we for the first time detected this misdirection, and after that, it has often taken place.

Shri Hari Vishnu Kamath: Is it a fact that when a protest was lodged by Government with regard to this incident in connection with the Ilyushin-14, the Pakistan Government replied to that protest note in an insulting tone and manner and also charged the Government of India with trying to cover up their own inefficiency by such charges against Pakistan, and if so, what reply was sent to Pakistan by our Government?

Shri Y. B. Chavan: I have not got the reply with me just now, but certainly they repudiated that charge. But I have not got the exact wording with me. I do not think it was insulting to us.

Shrimati Renu Chakravartty: It is a fantastic position that we have not been able even to locate this aircraft. May I know whether any effort has been made, beyond just protesting, to ask Pakistan also to help in trying to locate this particular aircraft because it is near the border?

Shri Y. B. Chavan: As far as the Pakistan territory is concerned, we

can certainly ask those authorities, and we did ask them, both at the governmental level and also at the level of the Chief of Staff, but they have always said that it is not found there. As far as our territory is concerned, we are continuously making efforts. Even now, we are making efforts.

Shri Kapur Singh: Is not the setting up of a deceptively dangerous ghost station by Pakistan a grossly unfriendly act within the meaning of accepted norms of international conduct, and if so, what is the reaction of the Government of India towards that?

Shri Y. B. Chavan: Certainly it is a very wrong thing to give misdirections. There is no doubt about it.

As regards Government's reaction, we have lodged a protest about it.

Shri Hem Barua: It was alleged, and accordingly reported to Pakistan, that the Ilyushin 14 was misled by a ghost station into Pakistan territory. The hon. Minister has just now admitted that subsequently our planes discovered the existence of this ghost station. Were these search planes given sufficient warning about the existence of this ghost station in Pakistan?

Shri Y. B. Chavan: Yes, we have given sufficient instructions about it so that they may not get misdirected by it.

Shri S. M. Banerjee: Apart from lodging a strong protest, what other steps were taken to locate the wrecked plane in Pakistan? Did our High Commissioner do anything? Did he send a team?

Shri Y. B. Chavan: I have answered that. He cannot send a team. He can certainly take it up with his counterpart there, with the Government, which he did.

श्री विश्राम प्रसाद : मंत्री जी ने बताया कि यह हवाई जहाज १७ फरवरी से गायब है और इस को आज ढाई तीन महीने हो गये । मैं जानना चाहता हूं कि आखिर यह हवाई जहाज कहां गया, हिन्दुस्तान में है या पाकिस्तान में हैं या कहां है ?

अध्यक्ष महोदय : यह बताया कि उसका पता नहीं चला ।

श्री विश्राम प्रसाद : पता नहीं चला तो क्यों नहीं चला ?

Shri P. R. Chakraverti: Have Government issued specific directions to its employees not to be guided by this misinformation from Pakistan?

Shri Y. B. Chavan: Yes, Sir.

Manufacture of Marine Diesel Engines

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*1175. { **Shri Dhuleshwar Meena:** **Shri Ramachandra Ulaka:**

Will the Minister of **Defence** be pleased to state:

(a) whether Government had under consideration a proposal for the establishment of a factory for the manufacture of marine diesel engines; and

(b) if so, the progress that has been made so far in this regard?

The Minister of Defence Production in the Ministry of Defence (Shri Raghuramaiah): (a) Yes, Sir.

(b) A collaboration agreement for the manufacture of Marine Diesel Engine has been concluded with Messrs. M.A.N. of West Germany and assigned to the Garden Reach Workshop Limited, Calcutta.

Soil Survey of land at Ennore (near Madras) and detailed Project planning are in progress.

Shri Dhuleshwar Meena: What will be the amount spent and the time taken on this factory?

Shri Raghuramaiah: This will involve, according to the present estimates, a capital outlay of about Rs. 5 crores, the foreign exchange component of which will be Rs. 1.5 crores.

Shri Dhuleshwar Meena: Will this particular factory be established with foreign collaboration, and if so, with which country?

Shri Raghuramaiah: It is proposed to establish it, of course, with foreign collaboration under some loan agreement. But actually it will be our own factory.

डा० गोविन्द दास : अभी जो मशीनें बनाने के विभिन्न सरकारी कारखाने हैं क्या उन में भी इस तरह के एंजिन बन सकते हैं या नहीं ?

Shri Raghuramaiah: No. These require special machinery.

Shri P. Venkatasubbaiah: Is it a fact that this factory was first contemplated in Andhra Pradesh. If so, what made Government change the location?

Shri Raghuramaiah: Before me, I have not got that material, but I presume what finally weighed with Government in coming to this decision were the following facts: (1) It must be located somewhere between Cochin and Bombay; (2) There must be ancillary industries sufficiently developed in order to make this project go through expeditiously; and (3) Also new defence factories are coming in Madras whose facilities might become available for this also.

Shri Ramanathan Chettiar: What will be the expected production of this factory?

Shri Raghuramaiah: That is a particular aspect which is now specially under study by the Planning Commission and other bodies, because in a way this gets tied up with the second shipyard and the number of ships this country will produce.

Shri Kapur Singh: Will these engines be usable for or adaptable to submarine craft also?

Shri Raghuramaiah: I cannot say off-hand.

Dalai Lama's Tour Programme

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*1176. **Shri Harish Chandra Mathur:**
Shri P. C. Borooah:
Shri Onkar Lal Berwa:

Will the **Prime Minister** be pleased to state:

(a) whether Dalai Lama's foreign tour programme has been finalised;

(b) if so, the countries he is visiting; and

(c) the assistance, if any, he has sought from the Government of India?

The Minister of State in the Ministry of External Affairs (Shrimati Lakshmi Menon): (a) No, Sir.

(b) and (c). Does not arise.

Shri Harish Chandra Mathur: The Minister Without Pirtfolio stated on the floor of the House the other day that the younger brother of the Dalai Lama had expressed interest in the Dalai Lama's visit to foreign countries, particularly Buddhist countries. What has happened since then to dampen and discourage such a visit abroad?

Shrimati Lakshmi Menon: Since then, nothing has happened. The plan has yet to be finalised.

Shri Harish Chandra Mathur: Pakistan forged a Mufti of Kashmir to go abroad and do propaganda. We have a genuine Dalai Lama, for whom, according to the Minister of External Affairs, there is a considerable amount of sympathy and support abroad, that is, for the Tibetans.

What positive steps are taken to channelise that sympathy and support for the emancipation of Tibet?

Shrimati Lakshmi Menon: No positive steps are taken.

श्री ओंकारलाल बेरवा : मैं जानना चाहूंगा कि क्या इससे पहले भी कभी दलाई लामा ने भारत सरकार से यात्रा के बारे में इस तरह की चर्चा की थी और सहायता मांगी थी ?

Shrimati Lakshmi Menon: No. This is the first time that the Dalai Lama's brother has approached the Government of India.

Shri Hem Barua: Is it a fact that very recently China lodged a very strong protest with the Government of India to the effect that the Government of India has given a lot of opportunities to the Dalai Lama to indulge in political propaganda in our country? If so, is it because of this that the Government has revised the tour programme or rather stopped the Dalai Lama from going abroad? Let us be very specific about it.

Shrimati Lakshmi Menon: That is Chinese propaganda and it does not affect the Government of India's plans.

Shri Ramanathan Chettiar: Will the Dalai Lama be treated as a government guest during the foreign tour?

Shrimati Lakshmi Menon: All these things will arise only when the plans are finalised. At the moment, there is nothing.

श्री विभूति मिश्र : मैं जानना चाहता हूं कि क्या सरकार दलाई लामा को इस काम में मदद करना चाहती है कि दलाई लामा विदेशों में जा कर के अपनी कठिनाइयों को विभिन्न सरकारों को बतलावें ?

Shrimati Lakshmi Menon: As far as we know, what His Holiness wanted was to visit some Buddhist countries.

If he wants to visit those countries, as pointed out the other day, Government will not place any obstruction in his way.

Shri Harish Chandra Mathur: My question was why positive steps have not been taken when there is so much of goodwill and support, according to the Ministry itself, for the Tibetan refugees in this country. Why is it that positive steps are not taken to make use of that?

Shrimati Lakshmi Menon: Because the Government of India did not think it was necessary to take.

Shri Harish Chandra Mathur: Why?

Shrimati Lakshmi Menon: It has its own reasons which I do not want to disclose to the House.

Shri Ranga: When was it that either the Dalai Lama or any of his representatives made this suggestion that he would like to go abroad and would like necessary facilities from Government? Why is it that Government has taken such a long time and why is it that it is not able to make a decision even now?

The Minister Without Portfolio (Shri Lal Bahadur Shastri): This is a matter which has to be initiated by the Dalai Lama or his representatives. As was said earlier in this House, we have no objection. In fact, we might, if necessary, provide facilities to the Dalai Lama if he goes out. His brother met me recently and he has not pursued this matter; he discussed some other matters with me. So unless they take it up and decide, we cannot move in the matter. I am sorry in so far as Shri Mathur's question is concerned, we would not like to utilise the Dalai Lama in that way.

Shri Hari Vishnu Kamath: May I remind you and the Minister With-

out Portfolio that even on the last occasion when the question was raised in the House about six weeks ago, there was some shilly-shallying, and the very next day the Minister Without Portfolio corrected his answer given the previous day? Is the Minister today in a position to state firmly that whatever protest or other representation may be lodged by the Chinese Government in this matter, Government will remain firm with regard to the promise given to the Dalai Lama to let him go abroad?

Shri Lal Bahadur Shastri: Certainly I think you can expect that. Although I may look small and weak, Government as a whole is definitely very firm.

Shri Harish Chandra Mathur: Sir, on a point of personal explanation. The hon. Minister said that they did not want to utilise the Dalai Lama in a particular way; I never asked India to utilise the Dalai Lama. My question was exclusive. The emancipation of Tibet is not the utilisation of the Dalai Lama by us. It is for the Dalai Lama himself and for the Tibetans. I had never suggested that we should utilise him.

Mr. Speaker: Mr. Barupal.

श्री प० ला० बारूपाल : मैं यह जानना चाहता हूं कि जब से दलाई लामा तिब्बत से यहां आये हैं, उन पर कितना पैसा खर्च किया गया है (*Interruption*).

अध्यक्ष महोदय : माननीय सदस्य इस बात को छोड़ दें ।

Shri Shinkre: What is the exact status that the Government of India attaches to the Dalai Lama—head of state in exile, or a simple individual or in between the two?

Shri Lal Bahadur Shastri: There is no special status as such. He has come here in an exceedingly difficult condition and the Government of India has offered the necessary help to him and will continue to do so in the future also.

Reversions in A.O.C.

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*1177. **Shri S. M. Banerjee:**
Shri Hari Vishnu Kamath:
Shri Heda:

Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that a good number of Ordnance Officers (Civilian) are proposed to be reverted;

(b) if so, their number and to what extent the reversion will affect the position at the lower levels in the Army Ordnance Corps;

(c) whether Government are aware that there is considerable discontent and unrest among the civilians of lower grades on account of the proposed reversions; and

(d) if so, the steps proposed to be taken to avert this situation in view of the Emergency?

The Deputy Minister in the Ministry of Defence (Shri D. R. Chavan): (a) to (d). A statement is laid on the table of the House.

STATEMENT

89 persons were promoted on an officiating basis as Ordnance Officers (Civilian) in the Army Ordnance Corps against posts tenable by Service Officers. Service Officers are expected to be posted against these vacancies by July/August 1964. It is not possible at this stage to indicate the number of reversions, that are likely to take place. The effect at lower levels also cannot be forecast as that will depend on the number of reversions and the vacancies available in the various subordinate grades.

A number of representations have been received on the subject from the Organisations representing the affected individuals. Various steps in order to avert the situation reduce the number of reversions are under consideration of the Government.

Shri S. M. Banerjee: I would like to know whether new ordnance depots are likely to be opened in our country and, if so, why the services of these AOC officers are not being utilised in those depots?

The Minister of Defence (Shri Y. B. Chavan): All these other alternatives are being examined, whether these facilities or these provisions which are coming up can be utilised to provide for them.

Shri S. M. Banerjee: May I know whether the services of the senior officers, AOC officers, are less costly to the Ministry than the Army Officers and if so, whether their services will be utilised in the interest of national economy rather than the services of military officers whose services are otherwise needed in the front?

Shri Y. B. Chavan: It is not merely a question of economy of the cost of the services; it is a question of efficiency also.

Shri Hari Vishnu Kamath: Are there reasons to believe that the relations between the civilian cadre and the military cadre—civilian officers and military officers of the ordnance corps—are not as happy and cordial as they should be and what steps are being taken, particularly in view of the emergency, to restore cordial relations between the two?

Shri Y. B. Chavan: I think this inference about the relationship between the civil officers and the military officers is unwarranted because in certain conditions civilian officers were given promotions clearly on the basis that they will be officiating. But when we recruited more and more military officers, naturally they had to be provided for.

Indian Air Space Violations by Chinese

*1179. **Shri D. C. Sharma:** Will the Minister of **Defence** be pleased to state:

(a) the number of Indian air space violations committed by the Chinese aircraft during the current year so far;

(b) the brief particulars of these incidents; and

(c) the action taken by Government in each case?

The Deputy Minister in the Ministry of Defence (Shri D. R. Chavan): (a) to (c). According to the information available to Government todate, there has been one violation of Indian air space by the Chinese aircraft since 1st January 1964. The incident took place on 18th January 1964 when a Chinese Jet aircraft flew over Leh at 1109 hours and then onwards to a point 45 nautical miles south of Leh at a height of about 35,000 feet. Thereafter, the aircraft turned east and disappeared. A protest was lodged with the Chinese Government but that Government have denied the violation. The protest has been reiterated.

Shri D. C. Sharma: May I know if the Government has been able to find out whether the purpose of this aircraft was reconnaissance or survey or the gethering of useful strategic information?

The Minister of Defence (Shri Y. B. Chavan): No specific information on that point was available but it is quite possible that it was on a reconnaissance flight.

Shri D. C. Sharma: May I know if after the protest that has been lodged and that has not borne any fruit this question is proposed to be taken up

by Government at ambassadorial level?

Shri Y. B. Chavan: That is what is exactly being done.

श्री यशपाल सिंह : माननीय रक्षा मंत्री जी ने पिछले सत्र में यह बताया था कि हम ने अपनी सेना को हुक्म दे दिया है कि जो हवाई जहाज हमारी वायु-सीमा का अतिक्रमण कर के आये, उस को गिरा दिया जाये । मैं यह जानना चाहता हूं कि जब पाकिस्तान ने इतनी दफ़ा हमारी वायु-सीमा का अतिक्रमण किया है, तो अब तक कितने हवाई जहाज नीचे गिराये गये ।

अध्यक्ष महोदय : यह सवाल तो चीन के हवाई जहाजों के बारे में है, पाकिस्तान के नहीं ।

श्री यशपाल सिंह : चीन का हवाई जहाज हो या पाकिस्तान का, मंत्री महोदय कोई भी हवाई जहाज बता दें ।

Shri Y. B. Chavan: We have not shot down any of their planes.

Shri Hem Barua: May I know whether the attention of the Government was drawn to a statement made by Mr. Chou En-Lai about a year back to the effect of challenging the Government of India to shoot down the planes violating Indian airspace just to see whose planes were actually violating Indian airspace—a statement that shows that China is not convinced of our capacity to bring down the plane—and if so, what steps have Government taken to convince China that India has that capacity if India means business?

The Minister of Defence (Shri Y. B. Chavan): Really speaking, the only answer for that would be to increase our capacity in that matter and that could be done only if we increase our radar capacity which is of particular relevance in this region. We are taking necessary steps, but certainly it will take some time.

Shri Hem Barua: May I ask a clarification, Sir?

Mr. Speaker: From me?

Shri Hem Barua: From this statement are we to understand that we have not developed that capacity to convince China of our capacity to accept Mr. Chou-En-Lai's challenge?

Mr. Speaker: Am I also in the dock?

Shri Hem Barua: No, Sir. He has given some explanation and I request that light may be thrown on that.

Shri Kapur Singh: May I know if Chinese ever complained of airspace violations by India during this period and if so, in how many of them was there some substance?

Shri Y. B. Chavan: I have no information on this point at this moment.

Shri P. N. Kaval: Have the India Government ever received any complaint from China that our aircraft violated their airspace?

Mr. Speaker: That was the question put just now. Hon. Members should follow what is happening in the House.

Talks with Hostile Nagas

*1180. **Shri Prakash Vir Shastri:**
Shri Shree Narayan Das:
Shri Swell:
Shri P. R. Chakraverti:
Shri R. Barua:
Shri D. C. Sharma:
Shri P. C. Borooah:
Shri Yashpal Singh:
Shri Lahri Singh:
Shri Vishram Prasad:
Shri Hari Vishnu Kamath:
Shri Hem Barua:
Shri Harish Chandra Mathur:

Will the **Prime Minister** be pleased to state:

(c) whether it is a fact that Rev. Michael Scott has come over to India

to join a committee consisting of 3 more Indians to persuade the underground Nagas to hold peace talks with the Government of Nagaland;

(b) the circumstances in which he has been allowed to do so; and

(c) whether the said committee has been able to achieve any success?

The Minister of State in the Ministry of External Affairs (Shrimati Lakshmi Menon): (a) Yes

(b) The Nagaland Baptist Convention, being concerned about the continuing disturbances in Nagaland, passed a resolution suggesting that Shri Jayaprakash Narayan, Shri Shankar Rao Deo, Shri B. P. Chaliha and Rev. Michael Scott should contact the hostile Nagas and find ways and means of restoring peace. The Nagaland Government approved of this move and when the Baptist Convention approached Rev. Michael Scott, he expressed his willingness to assist and came to Dimapur on the 27th March, 1964.

(c) The above mentioned persons have only just commenced their work. It is, therefore, too early to assess their achievements.

श्री प्रकाशवीर शास्त्री : क्या मैं जान सकता हूं कि जब भारत सरकार की जानकारी में यह तथ्य है कि अब तक पादरी स्काट नागालैंड की परिस्थितियों को और अधिक उलझाने के लिए विदेशी मिशनरियों के द्वारा वहां पर कार्यवाही करते रहे, तो क्या फिर भी वह यह समझती है कि अब वह उन परिस्थितियों को सुलझायेंगे और क्या उसने उन को वहां जाने की अनुमति दी है; यदि हां, तो उन्होंने इस सम्बन्ध में क्या सफलता प्राप्त की है और भारत सरकार को उन के व्यक्तित्व के बारे में कहां तक जानकारी है ?

बिना विभाग के मंत्री (श्री लाल बहादुर शास्त्री) : कभी कांटे से भी कांटा निकाला जाता है । इसलिए अगर कभी विरोधी से भी काम निकल आये, तो उस में कोई बहुत चिन्ता की बात नहीं होनी चाहिए । माननीय सदस्य को मैं यह बताना चाहता हूं कि माइकल स्काट की जो पहले पोजीशन थी, यानी यह कि नागालैंड स्वतंत्र हो, उन्होंने अपनी स्पष्ट राय दे दी है कि वह उस पर कायम नहीं हैं । उन को यह बता दिया गया है—और उन्होंने उस को मान भी लिया है—कि संविधान के अनुसार जो मौजूदा कांस्टीट्यूशनल पोजीशन है, उस के ही मुताबिक वह नागालैंड में शान्ति और सुलह की कोशिश करें । इसलिए अगर इस में उन की सहायता हो, तो हमें लेनी चाहिए ।

श्री प्रकाशवीर शास्त्री : कांटे से कांटा निकाला जाता है, भारत सरकार इस नीति पर आ गई है इस के लिए उसे धन्यवाद देते हुए शास्त्री जी से मैं यह जानना चाहता हूं कि क्या पादरी स्काट जोकि नागालैंड के लिए अनुमति ले कर आया था वह असम के भी किन्हीं प्रदेशों के भ्रमण के लिए गया है और क्या वह भारत सरकार की अनुमति के बिना वहां गया है, यदि हां, तो उस की प्रतिक्रिया उस क्षेत्र में क्या हुई ?

श्री लाल बहादुर शास्त्री : कांटे से कांटा हम शान्ति के रास्ते से निकालते हैं, यह मैं स्पष्ट कर दूं । उस का मतलब और कुछ न निकाला जाय । सुलह के काम में इस तरीके से कांटे से कांटा निकालें तो और भी अच्छा है . . . . .

श्री प्रकाशवीर शास्त्री : कश्मीर में भी कांटे को कांटे से ही निकाला जाय तो ठीक रहेगा ।

श्री लाल बहादुर शास्त्री : यह विश्वास करें कि वहां भी हम उसे शान्ति से ही निकालेंगे । जहां तक मैं जानता हूं थोड़े दिन तक जब तक वह आये थे उन को कायदे से इजाजत नहीं मिली थी कि वह नागालैंड पहुंच जाय । उस के बाद गवर्नर की तरफ से

उन को आज्ञा मिली । इसलिए वह थोड़े समय तक असम की एक जगह पर रहे लेकिन वहां उन्होंने कोई खास कार्यवाही नहीं की ।

श्री प्रकाश वीर शास्त्री : मेरा प्रश्न यह नहीं था । मेरा प्रश्न यह था कि असम में जो पादरी स्कौट गये वे क्या वहां भारत सरकार की अनुमति लेकर गये या आप की अनुमति के बिना वहां गये ?

श्री लाल बहादुर शास्त्री : मैं इस समय ठीक से नहीं कह सकता कि वह कब गये, कैसे गये । माननीय सदस्य अगर इस के लिए अलग से नोटिस देंगे तो मैं उन को इस बारे में बतला दूंगा ।

श्री प्रकाशवीर शास्त्री : एक विदेशी खतरनाक व्यक्ति बिना आप की जानकारी के देश में घूमता फिरे यह एक बड़ी दुखद चीज है ।

Shri Kapur Singh: The question of Shri Prakash Vir Shastri does not require notice. The question is whether any permission was granted or some kind of writ was taken of the Government before Mr. Scott went to Nagaland.

Mr. Speaker: Who should say whether he requires it or not?

Shri Kapur Singh: We should know whether any permission was taken or not.

Mr. Speaker: That is what she says.

Shrimati Lakshmi Menon: Permission was given to Rev. Scott to go to Nagaland. (*Interruption*). He does not need any permission to go to Assam.

Shri R. Barua: May I know whether the peace move has been able to create a responsive mood in the hostiles or whether they are yet divided in their approach as is evidenced from the recent trouble in Kohima on the 17th April?

Shri Lal Bahadur Shastri: I did not follow.

Mr. Speaker: How far the mission has succeeded and whether it has been able to secure some terms of peace there.

Shri Lal Bahadur Shastri: The reply is that they have just commenced their work and they have to get into contact with the hostile Nagas.

Shri Hem Barua: Last year, the visit of Rev. Michael Scott to Nagaland was considered undesirable by our Prime Minister. Now, may I know whether the attention of the Government is drawn to the fact that Rev. Michael Scott, although he is a member of the four-man peace committee, is moving all alone and contacting the Naga hostiles as he recently did in the Jeelong area in Nagaland and, if so, may I know whether the Government have told him specifically or told the Baptist Mission specifically, who have sponsored this peace move, that this committee can function only collectively and no individuals, however big or small, will be allowed to move about in Nagaland contacting the Naga hostiles?

Shrimati Lakshmi Menon: The whole arrangement is done by the Nagaland Government. The Chief Minister has assured us that Rev. Michael Scott is not moving alone at all. He is accompanied by the leaders of the Baptist convention, and therefore, the apprehensions of the hon. Member are not correct.

Shri Hem Barua: Sir, may I submit

Mr. Speaker: She says that he is not moving alone. There is no question of contradicting the information.

Shri Hem Barua: Sir, my I say for your enlightenment that my question was specifically this? I wanted to

know whether Rev. Scott was moving about in Nagaland with the other members of the committee. I do not bother whether he moves about in Nagaland with somebody from the Baptist Mission or not. She has given the reply that he is moving with some other people.

Shrimati Lakshmi Menon: It is for the Nagaland Government to decide whether he should move alone or in the company of other people. They are satisfied that Rev. Michael Scott is acting as they wish.

Shri Hem Barua: Are we to understand that the Government of India does not have any say on that, and that it is a passive spectator?

Mr. Speaker: Order, order. I do not allow any further questions.

Shri P. Venkatasubbaiah: May I know whether the Minister without Portfolio has convinced himself, since Rev. Michael Scott has changed his opinion regarding the status to be given to Nagaland, whether he is still *persona grata* with the hostiles, that is, whether the Naga hostiles subscribe to the opinion of Rev. Michael Scott?

Shrimati Lakshmi Menon: The Chief Minister of Nagaland is convinced of the *bona fides* of Rev. Michael Scott, and he is also convinced that Rev. Michael Scott is not maintaining his old opinion about an independent Nagaland. He is convinced that Nagaland must continue as a part of the Indian Union as one of the States, and therefore, he gave him permission to go and meet the hostiles. (*Interruption*).

Shri Hem Barua: May I submit that they are handing over the baby to the Government there—(*Interruption*). May I seek your permission?

Mr. Speaker: Order, order. If he asks for permission and when I do not give it, how can be continue?

Shri Hem Barua: It is all false things and we are asked to swallow them. That is the trouble.

Mr. Speaker: Order, order.

Shrimati Renuka Barkataki: In view of the controversial activities of the missionaries in the eastern parts, especially in the hills of Assam, may I know whether the Government propose to put any restriction on the movement of Rev. Michael Scott either in Nagaland or in India as a whole?

Shrimati Lakshmi Menon: This question has been answered again and again. He has come at the invitation of the Baptist convention and the Nagaland Government does not see any objection to his moving around to contact the hostiles.

Shri Hem Barua: Sir, we seek your protection. Here is the Minister who has been telling us times without number that it is the responsibility of the Government of Nagaland to allow or not to allow Rev. Michael Scott moving about in Nagaland and contacting the Naga hostiles. We are interested to know whether the Government of India, under Mr. Nehru, is only a passive spectator at this crucial moment.

Shri Kapur Singh: We are entitled to have a direct answer to this question.

Mr. Speaker: Shri P. R. Chakraverti.

Some Hon. Members: The Prime Minister is standing; he wants to reply.

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): The Government of India is thoroughly satisfied in putting its trust in the Nagaland leaders, the Ministers there. Once they expressed their willingness to Mr. Michael Scott's meeting people, the Government of India have agreed gladly.

Shri Hem Barua: Last year you did not agree. You said on the floor of the House that he was an undesirable person.

Mr. Speaker: Order, order.

Shri Jawaharlal Nehru: I said so and I might have thought so; I say something different and I think differently now after the Nagaland leaders have said so.

Shri Kapur Singh: We are satisfied.

Shri P. R. Chakraverti: Taking into account the antecedents of Rev. Michael Scott and his unreserved statement about the right of the Naga hostiles to secede from India, may I know how far the Government of India can rely upon him to act as an intermediary between India and the Naga hostiles?

Shri Jawaharlal Nehru: It is not a question of the Government of India relying on him, but of the Nagaland Ministers relying upon him; the Government of India accepted their word for it.

श्री यशपाल सिंह : क्या सरकार यह बतला सकती है कि जिन नागा होस्टाइल्स के ख़िलाफ़ क़त्लों के केसेज हैं, जिन्होंने हमारी शान्ति की व्यवस्था को भंग किया है और जिन के सब से बड़े लीडर भारत सरकार की परमिशन के बग़ैर इंगलैंड गये हैं, इतने जरायम और इतने क्राइम्स के होते हुए भी क्या उन लोगों को आज़ाद करना जस्टीफ़ाइड है ?

अध्यक्ष महोदय : यह बिलकुल अलहदा सवाल है ।

Share-Holders of "PATRIOT"

*1181. **Shri Hari Vishnu Kamath:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether his attention has been drawn to the names of share-holders of the daily newspaper "Patriot" published in its issue of 1st March, 1964 as required by law;

(b) whether there is reason to believe that the name 'S. Amrit' does not disclose the real identity of the particular share-holder;

(c) whether Government have tried to ascertain his identity; and

(d) if so, the result thereof?

The Deputy Minister in the Ministry of Information and Broadcasting (Shri Sham Nath): (a) Yes, Sir.

(b) Government have no information beyond what has appeared in some newspapers.

(c) No, Sir.

(d) Does not arise.

Shri Hari Vishnu Kamath: Considering that in the published statement under reference the full names and surnames of all the other shareholders are given, are there reasons to believe that this particular S. Amrit is only a pseudonymous or a truncated version of his real or full name given *mala fide* with a view to concealing the fact that the chairman of the Communist Party of India is one of the moving spirits behind this paper?

Shri Sham Nath: We have no information other than what has been published in the newspapers. In the newspapers it has been said that Mr. S. Amrit is Mr. S. A. Dange. But we have no other information in our possession.

Shri Hari Vishnu Kamath: Have Government tried to ascertain whether the address given of this person in this statement as S. Amrit, Kohinoor Road—some number. . . .

Some Hon. Members: 9.

Shri Hari Vishnu Kamath: ..... Bombay, tallies with that of the house or residence or office of Mr. S. A. Dange—'S' means Sripad, 'A' means Amrit and Dange is Dange?

The Minister of Information and Broadcasting (Shri Satya Narayan Sinha): So far as the Ministry of Information and Broadcasting is concerned, we have no jurisdiction to enquire into the identity of any name which appears in the papers. Absolutely we have no right and jurisdiction whatsoever so far as the Ministry of Information and Broadcasting is concerned to enquire into it. The Revenue Department of the Finance Ministry and the Company Law Department only are the competent departments to enquire into such matters. If the hon. Member wants to have this information, he must address this question to that Ministry.

Shri Hari Vishnu Kamath: On a point of order, Sir. Under the law, as I know it, the full names including the surnames and the addresses of all the shareholders are required to be published—not with a view to concealing the identity of any particular shareholder. May I know if the Government have reason to believe that this particular name conceals the real identity....

Mr. Speaker: He has said that it is for the Department of Company Law to go into that.

Shri Hari Vishnu Kamath: Suppose I give my name as Hari Vishnu only without Kamath is it proper or correct under the law to conceal my identity? Suppose my colleague here gives his name as "Hem" only without Barua; under the law, is it proper? I want your guidance.

Mr. Speaker: I do not remember every provision of the law.

Dr. L. M. Singhvi: In the first place, I would request you, Sir, to ask the Government to give a proper answer. It is not that the Minister of Information and Broadcasting can say that it is not within his jurisdiction. I want to know, how is it that the Government have no jurisdiction to look into the real identity of the shareholders.

Mr. Speaker: Order, order. He has said that the Ministry of Information and Broadcasting is not the Ministry that would enquire into it. Members also should take this trouble. A letter could have been addressed to the Department of Company Law and this could have been found out. It was a very easy thing.

Shri D. N. Tiwary: May I know whether the attention of the Government has been drawn to a statement of Mr. Dange himself that he is a sharer in Patriot and whether it is prohibited for anyone to become a sharer of any newspaper....

Mr. Speaker: What is the second part of the question?

Shri D. N. Tiwary: Whether there is any law which prohibits any....

Mr. Speaker: Law cannot be enquired from the Minister. Legal questions cannot be put as supplementaries.

Shri Satya Narayan Sinha: What am I asked to answer, Sir?

Shri D. N. Tiwary: I want to know whether the attention of Government has been drawn to a statement by Mr. Dange himself that he is a sharer in the paper Patriot.

Shri Satya Narayan Sinha: Has he made such a statement?

श्री तन सिंह : रजिस्ट्रार आफ न्यूजपेपर्ज मंत्री महोदय के विभाग के अन्तर्गत है । क्या वह रजिस्ट्रार, रजिस्ट्रेशन आफ न्यूजपेपर्ज एक्ट के तहत किसी भी पब्लिशर के खिलाफ उसके गलत इनफार्मेशन देने के कारण एक्शन ले सकता है ?

अध्यक्ष महोदय : ले सकता है या नहीं, यह क्वैश्चन ला का है ।

श्री तन सिंह : इसी विभाग के अन्तर्गत वह आता है ।

Mr. Speaker: Legal questions cannot be asked.

Shri Hem Barua: May I know if the attention of Government has been drawn to a newspaper report wherein Mr. Dange is reported to have said that he originally gave a loan of Rs. 30,000 to the Patriot and it is the Patriot that has converted this loan into shares? If so, may I know whether Government have tried to establish by directly contacting Mr. Dange or otherwise—my submission is this: any Chinese or Pakistani can become a shareholder in the newspaper . . .

Mr. Speaker: Order, order. He should put the question.

Shri Satya Narayan Sinha: The statement which the hon. Member has referred to is the statement made by Mr. Dange that he has advanced Rs. 30,000 and temporarily it was converted into shares. Perhaps, I am told, the money has been returned to him also . . . .

Shri Hem Barua: He has made all enquiries; we are very happy....

Mr. Speaker: He has referred to the statement made by Mr. Dange.

Shri Hem Barua: In the statement, there are certain mistakes. He has said that for reasons better known to the Patriot, they converted my loan of Rs. 30,000 into shares under the pseudonym of Amrit. That is all what he said . . . .

Mr. Speaker: All the information is with the Member. What does he want?

Shri Hem Barua: Has the attention of the Minister been drawn to that statement?

Mr. Speaker: This is not the object of a supplementary. Next question.

Shri Hari Vishnu Kamath: On a point of order, Sir. You were pleased to rule a little earlier that a communication may be addressed to the Company Law Administration for eliciting facts. Last week, I believe in regard to a question of Mr. H. C. Mathur, my colleague, the Ministries *inter se* arranged to have the question transferred from one Ministry to another without any communication from the Member. Why was it not done in this case, if the Government was earnest about answering the question? Government is apparently not earnest about it. That is my charge against Government; it is remiss and negligent.

Mr. Speaker: Then?

Shri Hari Vishnu Kamath: We seek your protection. You are the custodian of our rights. You could have advised the Minister . . . .

Mr. Speaker: I am advising him to resume his seat.

Shri Hari Vishnu Kamath: For the time being you may, but I would request you to advise them also to function better.

Dr. L. M. Singhvi: May I draw your attention to part (c) of the question, which asks whether the Government have tried to ascertain the identity. Does the answer of the Minister that the Ministry of Information and Broadcasting has no jurisdiction satisfy you? Do you think that the question has been adequately and properly answered. Do you not think that you must give a definite directive that this question should be answered, whether the Government has ascertained the identity? It is not this Ministry alone.

Mr. Speaker: When the Government is referred to in a particular question, then it means the Ministry to which it has been addressed.

Shri Hem Barua: For our guidance, Sir, may we know, when information is sought from Government, whether it is not the job of the Minister concerned to collect as much material and information as possible to enlighten the House?

Mr. Speaker: Yes; it is. Next question.

लंका में भारतीय उद्भव के राज्यविहीन व्यक्ति

११८२. **श्री बागड़ी :**
श्री रामसेवक यादव :
श्री दी० चं० शर्मा :
श्री प्र० चं० बख्शा :

क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या भारत सरकार का ध्यान लंका के आप्रव्रजन तथा उत्प्रव्रजन विभाग द्वारा घोषित "प्रलोभन" योजना की ओर दिलाया गया है जिसके अन्तर्गत भारतीय उद्भव के उस प्रत्येक व्यक्ति को १,००० रुपया दिया जायेगा जो लंका को सदा के लिए छोड़ने के लिए तैयार होगा ; और

(ख) यदि हां, तो उस पर सरकार की क्या प्रतिक्रिया है और मामले में क्या कार्यवाही की गई है ?

वैदेशिक-कार्य मंत्रालय में राज्य-मंत्री (श्रीमती लक्ष्मी मेनन) : (क) जी हां ; श्रीलंका सरकार हमेशा के लिए श्रीलंका छोड़ने वाले सभी भारतीय परिवारों को, कुछ शर्तों पर, अधिक से अधिक १,००० रुपये दे रही है ।

(ख) अक्तूबर, १९५४ में श्रीलंका और भारत के प्रधान मंत्रियों ने जो वक्तव्य जारी किया था उस में श्रीलंका छोड़ने वाले भारतीय नागरिकों को श्रीलंका सरकार द्वारा दिए जाने वाले प्रोत्साहनों का जिक्र किया गया था । ऐसा लगता है कि इस व्यवस्था के अन्तर्गत ही यह शुरुआत की गई है ।

[(a) Yes; the Government of Ceylon is offering, under certain conditions, a sum not exceeding Rs. 1000/- to every Indian family leaving Ceylon for good.

(b) In the statement issued by the Prime Ministers of Ceylon and India in October 1954, mention has been made of incentives to be provided by the Government of Ceylon to Indian citizens to leave Ceylon. The present initiative seems to have been taken under this provision.]

श्री बागड़ी : श्रीलंका के इस एलान के बाद कितने हिन्दुस्तानी लंका से भारत आए हैं और सरकार उन को बसाने के लिए क्या प्रबन्ध कर रही है ?

Shrimati Lakshmi Menon: This was stated in the Senate when they were discussing the budget and the estimates for the current year to provide inducements, etc. Nobody has come under this scheme to India so far.

श्री बागड़ी : क्या लंका की तरह बर्मा इत्यादि दूसरे मुल्कों में भी भारतवंशियों को निकाला जा रहा है यह भारत की नोटिस में आया है? यदि हां, तो भारत सरकार इस को रोकने के लिये क्या प्रबन्ध कर रही है जिस में कि उन को वहां से न निकाला जाये ।

Shrimati Lakshmi Menon: There is no such proposal with regard to other countries.

Shri Hem Barua: On a previous occasion, Sir, on the floor of this House the hon. Prime Minister gave us to understand that this problem of stateless persons of Indian origin in Ceylon would be taken up for discussion with the Prime Minister of Ceylon for an overall and comprehensive and broad-based solution. If that is so, may I know at what stage this proposal stands at this particular moment?

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): I am sorry, Sir, that this matter has not proceeded further because the Prime Minister of Ceylon could not come here.

Shri Hem Barua: But there was a statement to the effect that sufficient time has been given to India.

Shri Jawaharlal Nehru: I could not follow what the hon. Member said. She was expected to come here but she could not come. Therefore we had to postpone this talk and it still stands postponed. We want to take it up as soon as possible. If there is any difficulty in her coming here soon, we are prepared to take it up otherwise, by letter and so on.

Shri D. C. Sharma: So far as I know our Embassy in Ceylon was trying to register some of these persons as Indian nationals. May I know if in view of this inducement scheme and in view of the fact that the two Prime Ministers have not been able to move, that scheme of registration has been given up? If it has been given up, may I know the alternative to which the persons of Indian origin are looking forward?

Shri Jawaharlal Nehru: I have not been able to understand the question.

Mr. Speaker: Will he kindly repeat it?

Shri D. C. Sharma: Sir, I want to know . . . .

Mr. Speaker: I would request him to speak a little more loudly and distinctly.

Shri D. C. Sharma: There are only two persons who can speak loudly. They are my hon. friends Shri Kamath and Shri Hem Barua. All of us have a small voice.

Some time back there was the process of registration going on in our Embassy and also on behalf of the Government of Ceylon to register those persons either as citizens of Ceylon or as Indian citizens. In view of this inducement scheme and also in view of the fact that the two Prime Ministers have not been able to meet all these years, may I know whether that process of registration has been given up both by the Government of Ceylon and also by the Government of India?

Shri Jawaharlal Nehru: No, Sir, it is not given up. The records are always open either of the Ceylon Government or of the Government of India to add to their nationals. But at the present moment nothing very much is being done in that respect. The records are open.

Shri Hem Barua: The Prime Minister of Ceylon is ready to come to Delhi.

Shri D. C. Sharma: Sir, you asked me to repeat the question and I forgot to repeat one point which I had put in my original question. I want to know what alternative is being resorted to by the Government in view of the slow implementation of this registration scheme by the Government of Ceylon and also by the Government of India? Is there any alternative?

Shri Jawaharlal Nehru: That is a matter about which we were going to talk—the Prime Ministers—and discuss, to find a suitable way out.

Shri Hem Berua: When?

Shri Jawaharlal Nehru: When we meet.

Shri Ramanathan Chettiar: May I know whether the Government's attention has been drawn to a Press statement in which Shri Amarsinghe, High Commissioner for Ceylon in India is reported to have stated that the Government of Ceylon is anxious to settle this matter; if so, whether the Government have received any communication from the Givernment of Ceylon?

Shri Jawaharlal Nehru: I can say that we are equally anxious if not more anxious than the Ceylon Government to settle this question. So far as I know—I speak subject to correction—we have received no formal communication from the Ceylon Government. We have only seen it in the newspapers.

Shri Hem Barua: But you have not taken any initiative yourself.

Shri Jawaharlal Nehru: Not now, but previously we wrote on this subject.

Dr. M. S. Aney: May I know whether the Prime Minister of Ceylon or the Government of Ceylon is making any attempt to give inducement to the stateless persons there and in pursuance of that the number of stateless persons migrating to India is growing; if so, what counter-movement the Government of India propose to take?

Shrimati Lakshmi Menon: The inducement scheme is under consideration, and nobody has come under that scheme to India.

Mr. Speaker: Next question—Shri Sezhiyan.

Shri Ranga: Sir, this is an important matter. I have been rising half a dozen times.

Mr. Speaker: I am sorry; I have passed on to the next question.

Shri Ranga: Every time I have been getting up, and now you say, Sir, that you are sorry. I got up half a dozen times.

Shri D. C. Sharma: Your voice is not loud enough.

Firing on Indian Fishermen by Ceylonese

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*1183. { **Shri Sezhiyan:** / **Shri Manoharan:**

Will the **Prime Minister** be pleased to refer to the statement made in Lok Sabha on the 6th April, 1964 regarding firing by Ceylon Naval Launch guards at an Indian fishing boat on the 20th March, 1964 and state:

(a) whether full enquiry report from the Madras Government has since been received;

(b) whether a reply has also been received from the Ceylon Government on the incident; and

(c) the action taken by Government in this regard?

The Minister of State in the Ministry of External Affairs (Shrimati Lakshmi Menon): (a) A further report has been received giving some more details. As however, some further particulars are necessary so as to have the complete picture of the incident, the Government of Madras have promised to send a further and final report.

(b) and (c). Our High Commission has been asked to take up the matter with the Ceylon Government. Their reply is awaited.

Shri Sezhiyan: While replying to a question on 6th April, 1964 the hon. Minister stated that the report was being called for. More than 19 days have passed now. I want to know when the information will be got ready by this Government?

Shrimati Lakshmi Menon: We have to depend upon the Government of Madras. They have sent two reports: one on 3rd April and the other on the 13th April. Even so the picture is not quite complete. We want to find out where the boat was when it was attacked. We have also taken up the matter with the Government of Ceylon. The Government of Ceylon has told us that there was no naval launch at that time patrolling in that area. Therefore, we have to find out which was the launch that attacked the boat.

Shri Sezhiyan: What are the details so far received from the Government of Madras, however incomplete they may be?

Shrimati Lakshmi Menon: It is a long statement. They have now said that one Arulanandam and some other fishermen of Rameswaram were going fishing and they were attacked by a steam launch or a naval launch—according to them, because there

were four or five people in khaki uniform.

Shri Sezhiyan: On the 6th she stated that one person by name Arulanandam received bullet wounds and he had been taken to hospital. Now she says that she does not have any information.

Mr. Speaker: He says that in her statement she said that one man received bullet wounds and he is in the hospital, and now the Minister says she has no information about it.

Shrimati Lakshmi Menon: This information was already given to the House on a previous occasion.

Mr. Speaker: Shri Hem Barua.

Shri Sezhiyan: In her statement she said . . . .

Mr. Speaker: Order, order. I will give him another chance.

Shri Hem Barua: The hon. Minister just now said that the picture is not yet complete and only two reports were submitted by the Government of Madras. May I know how long our diplomatic artistes would take to complete the picture, and what details do these reports need to complete the picture?

Shrimati Lakshmi Menon: I have already answered how the picture is not complete.

Mr. Speaker: When is it likely to be completed?

Shrimati Lakshmi Menon: It depends upon the Government of Madras. We have to get the information from them.

Dr. Sarojini Mahishi: Taking it for granted that our Government do not wish to wreak vengeance on any other Government, may I know what measures our Government is going to take in such circumstances besides presenting protest notes?

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): What other measures are suggested, I do not know. The first point is, we are enquiring about where it took place, whether it was in the territorial waters of Ceylon or not. That is one thing which we are not clear about. What measures can be taken except diplomatic protests in this matter?

Shri Hari Vishnu Kamath: The position is not known?

Shri Jawaharlal Nehru: Yes, it is not exactly known.

Shrimati Renu Chakravartty: That is exactly the point. May we know whether the Madras Government has informed the Central Government that the fishing boat was within our territorial waters or their territorial waters or on the open sea? That is the specific point on which everything depends.

Shri Jawaharlal Nehru: That is a point on which no exact answer can be given as yet. How can the Madras Government give it? The fisherman's account need not be accurate.

Shri Sezhiyan: This incident took place on the 20th of March and more than a month has passed. I do not know why the Government is taking such a lot of time on this question.

Mr. Speaker: That has been answered. The reply has been received from the Madras Government but we have not received complete information.

Shri Hem Barua: Sir, on a point of order. The Government spokesman has stated that they have sent a complaint to the Ceylonese Government about this incident. From the reply it is not clear on what ground we have lodged a complaint with the Ceylonese Government. They do not seem to know anything about it. The picture is not complete.

Mr. Speaker: That has been answered. So far as I remember, it was said that the Ceylon Government denied that any launch was near the vicinity of the incident.

WRITTEN ANSWERS TO QUESTIONS

दिल्ली तथा पंजाब में व्यावसायिक मार्ग दर्शन

*११७१. **श्री विश्वनाथ पाण्डेय** : क्या **श्रम और रोजगार** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार एक योजना शुरू करने का विचार कर रही है जिसके अनुसार दिल्ली तथा पंजाब में बच्चों का हाई स्कूल परीक्षा में उत्तीर्ण होने के तुरन्त बाद उचित व्यावसायिक मार्गदर्शन किया जायेगा ;

(ख) यदि हां, तो योजना कब तक क्रियान्वित होगी ; और

(ग) उस पर कितना धन व्यय होगा ?

श्रम और रोजगार मंत्रालय में उपमंत्री तथा योजना उपमंत्री (श्री चे० रा० पट्टाभि रामन्) : (क) और (ख). उन विद्यार्थियों के लिये जो हाई स्कूल की पढ़ाई समाप्त करने वाले हैं, व्यावसायिक मार्गदर्शन की प्रायोगिक योजना दिल्ली और पंजाब के कुछ चुने हुए स्कूलों में चलाई जा रही है। इस के परिणामों का अभी मूल्यांकन होना बाकी है ।

(ग) इस प्रायोगिक योजना पर कोई अतिरिक्त खर्च नहीं किया गया है ।

Control of Riots by Army

***1174. Shri P. C. Borooah:** Will the Minister of **Defence** be pleased to state:

(a) in which and how many cases Army was called to aid the civil administration in connection with riots in different parts of the country during 1964 so far; and

(b) whether there are certain set of rules with regard to calling out of the military personnel in such circumstances and if so, what are they?

The Minister of Defence (Shri Y. B. Chavan): (a) and (b). A statement is laid on the Table of the House. [*Placed in Library, See No. LT-2776/64*].

Indian Press Correspondents in Karachi

***1178. Shri B. P. Yadava:**
Shri Dhaon:

Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that Indian Press correspondents in Karachi were not invited to attend the Press Conference by the President of Pakistan held in Karachi in March, 1964;

(b) if so, the reaction of Government thereto; and

(c) whether any reciprocal action in regard to Pakistani correspondents in India is contemplated?

The Minister of State in the Ministry of External Affairs (Shrimati Lakshmi Menon): (a) Yes, Sir.

(b) Since the Press Conference was specifically by invitation, the Government of India did not consider it necessary to take any action.

(c) No, Sir.

Theft of Newspaper Files in P.I.B.

***1184. Shri C. K. Bhattacharyya:**
Shri Yashpal Singh:
Shri Hukam Chand Kachhavaiya:

Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether 70 bundles of leading Indian and foreign daily newspaper

files have been stolen from the office of the Press Information Bureau;

(b) whether these bundles included files of newspapers from Pakistan; and

(c) whether anybody has been held responsible for these thefts?

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): (a) and (b). Yes, Sir.

(c) The matter has been reported to the Police and is under investigation at present. The question of fixation of responsibility for the theft can be decided only when the Police report is received.

Ex-Servicemen in Hyderabad

*1185. **Shri Birendra Bahadur Singh:**
Shrimati Maimoona Sultan:
Shri L. N. Bhanja Deo:

Will the Minister of **Defence** be pleased to state:

(a) whether 8000 ex-servicemen living in the lines of the erstwhile State Forces in Hyderabad were ordered to be evicted by the 15th April, 1964; and

(b) if so, the alternative arrangements made to rehabilitate them?

The Minister of Defence (Shri Y. B. Chavan): (a) and (b). A statement is laid on the Table of the House.

Statement

The number of ex-servicemen in occupation of ex-State Forces accommodation at Hyderabad, which is to be handed over to the Defence Services by the State Government, is 412 and not 8,000 as stated. The Government of Andhra Pradesh expected to hand over the vacant possession by the 15th April 1964.

No eviction notices were served by the Government of India. The State Government have taken action to evict those persons who failed to respond to any of the following alternative offers made to them:—

(i) An outright cash grant of Rs. 750 on vacation;

(ii) A piece of land, 121 sq. yds. with a cash grant of Rs. 500 to enable a thatched-roof hut to be built;

(iii) Accommodation, as provided by the State PWD, who have recently constructed quarters exclusively for this purpose at a cost of Rs. 1,500 each;

(iv) In addition to (i), (ii) or (iii) above, Rs. 50 as shifting expenses.

The State Government have since extended the date of handing over of certain buildings to Defence Services upto 25th April, 1964 and certain others upto 5th May, 1964.

Office of the Assistant High Commissioner for Pakistan in Shillong

*1186. **Shri P. C. Borooah:**
Shri Hari Vishnu Kamath:
Shri Gulshan:
Shri Yashpal Singh:
Shri Hem Barua:
Shri Vishwa Nath Pandey:

Will the **Prime Minister** be pleased to state:

(a) the result of the inquiries made into the allegations of espionage against the office of the Assistant High Commissioner for Pakistan, Shillong; and

(b) the decision taken in this regard?

The Minister of State in the Ministry of External Affairs (Shrimati Lakshmi Menon) (a) and (b). The allegations are being looked into and a decision will be announced at the appropriate time.

Indian Air Space Violations by Pakistanis

*1187. **Shri D. C. Sharma:** Will the Minister of **Defence** be pleased to state:

(a) the number of Indian air space violations committed by Pakistani aircraft during the current year so far;

(b) the details of these air space violations; and

(c) the action taken by Government in each case?

The Minister of Defence (Shri Y. B. Chavan): (a) to (c). A statement is laid on the Table of the House. [*Placed in Library. See* No. LT-2777/64].

New Transmitter for A.I.R.

*1188. **Shri Hari Vishnu Kamath:**
Shri Sidheshwar Prasad:
Shri Bibhuti Mishra:
Shri P. C. Borooah:
Shri Yashpal Singh:
Shri P. Venkatasubbaiah:
Shri Harish Chandra Mathur:
Shri D. C. Sharma:
Shri Jashvant Mehta:
Shri Onkar Lal Berwa:
Shri Hukam Chand Kachhavaiya:
Shri D. D. Mantri:
Shri Prakash Vir Shastri:
Shri Ram Sewak Yadav:
Shri P. R. Chakraverti:
Shri Jagdev Singh Siddhanti:

Will the Minister of **Information and Broadcasting** be pleased to refer to the reply given to Starred Question No. 713 on the 23rd March, 1964 regarding purchase of super high power medium wave transmitter and state:

(a) whether the tenders received have been opened and examined;

(b) if so, the main features thereof; and

(c) whose tender has been accepted?

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): (a) Tenders were opened on 24-3-1964 and are being examined.

(b) and (c). As the tenders are still under consideration, details thereof cannot be furnished at this stage.

Social Security Plan

*1189. **Shri D. C. Sharma:**
Shri Shree Narayan Das:
Shri Onkar Lal Berwa:
Shri Hukam Chand Kachhavaiya:
Shri Ram Harkh Yadav:

Will the Minister of **Labour and Employment** be pleased to state:

(a) whether it is proposed to introduce a three-fold social security plan for the working classes providing death relief fund, family pension and retirement pension; and

(b) if so, the broad features thereof?

The Deputy Minister of Labour and Employment and for Planning (Shri C. R. Pattabhi Raman): (a) A Death Relief Fund has already been created under the Employees' Provident Fund with effect from the 1st January, 1964, but the Family Pension and Retirement Pension Schemes are yet to be finalised.

(b) 1. Death Relief Fund—

(i) Payment from this fund is made to the nominees/heirs of the deceased members of the Employees' Provident Fund whose pay (i.e. basic wages, dearness allowance including cash value of any food concession and retaining allowance, if any) does not exceed Rs. 500 per month at the time of their death; and

(ii) In cases, where the 'amount standing to the credit of the deceased member' falls short of Rs. 500 by any sum, the Provident Fund Commissioner will pay that sum from this fund to his nominee(s)|heir(s).

2. Family Pension Scheme—

On the analogy of the Family Pension Scheme for Central Government employees it is proposed to provide for a minimum family pension of Rs. 25 per month to be paid to the widow| minor children of the members of the Employees' and Coal Mines Provident Funds who die prematurely.

3. Retirement Pension

The principles are yet to be determined.

Exodus of Indians from Burma

*1190. **Shri P. C. Borooah:**
Dr. L. M. Singhvi:
Shri Ram Harkh Yadav:
Shri Murli Manohar:
Shri Vishwa Nath Pandey:
Shri Muthiah:
Shri Onkar Lal Berwa:
Shri Rananjai Singh:
Shri Hukam Chand Kachhavaiya:
Shri Prakash Vir Shastri:
Shri Bade:
Shri M. Rampure:
Shri D. D. Mantri:
Shri Koya:

Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that exodus of Indians from Burma into India continues unabated.

(b) if so, the number of Indians who have arrived since the beginning of 1964; ond

(c) the facilities being afforded by Government for their repatriation and rehabilitation?

The Minister of State in the Ministry of External Affairs (Shrimati Lakshmi Menon): (a) The number of Indians coming from Burma is on the increase.

(b) About 7,000 Indians have left Burma since the beginning of this year.

(c) Customs formalities have been liberalized. Arrangements have been decided upon to provide steamer ferry services from about the middle of July between the ports of Rangoon and Madras. IAC is also considering increasing the frequency of its flights between Rangoon and Calcutta. Government are aware that the repatriates may have to be assisted in the matter of their rehabilitation and have addressed communications to certain State Governments in this connection.

Commandant of Pakistani Guerilla Force

*1191. **Shri Hari Vishnu Kamath:**
Shri Onkar Lal Berwa:
Shri Prakash Vir Shastri:
Shri Bade:

Will the Minister of **Defence** be pleased to refer to the reply given to Starred Question No. 909 on the 6th April, 1964 and state:

(a) whether Government have ascertained the identity of the Commandant of Pakistani Guerilla Force;

(b) whether he is related to one of the Union Cabinet Ministers; and

(c) if so, how?

The Minister of Defence (Shri Y. B. Chavan): (a) While it is understood that selected Pakistanis are being imparted guerilla training, as far as Government are aware, there is no force designated as the "Pakistani Guerilla Force". There are, however, a number of organisations outside the Army known as the Mujahids and the Ansars. Recruitment and training of Mujahids are arranged at local levels by local station

Commanders and local civil authorities. The Ansars have a Director.

(b) The Director of the Ansar organisation is not known to be related to any of our Union Cabinet Ministers.

(c) Does not arise.

Employment Offices in Madras

2444. **Shri Rajaram:**
Shri Dhuleshwar Meena:
Shri Ramachandra Ulaka:

Will the Minister of **Labour and Employment** be pleased to state:

(a) the number of Employment Offices in Madras State as on the 31st December, 1963;

(b) the total number of unemployed graduates, post-graduates and under-graduates registered in these employment offices as on the 31st December, 1963; and

(c) the number of such persons who have not been able to get employment for more than one year?

The Deputy Minister of Labour and Employment and for Planning (Shri C. R. Pattabhi Raman): (a) 16.

(b) and (c).

Category	Number on Live Register as on 31-12-1963.	Number of applicants included in Col. (2) who remained on the Live Register for more than one year.
Graduates (including post graduates)	1,958	144
Under graduates	2,364	318
Matriculates	38,514	10,770
Total	42,836	11,232

Radar Installation on Ram Ganga Project

2445. **Shri Ram Harkh Yadav:** Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that Radar Installations are going to be fitted in the Ram Ganga Project in U.P.;

(b) if so, when it is expected to work; and

(c) the probable expenditure on installations?

The Minister of Defence (Shri Y. B. Chavan): (a) No, Sir.

(b) and (c). Do not arise.

भारतीय विदेश सेवा

२४४६. **श्री सिद्धेश्वर प्रसाद** : क्या **प्रधान** मंत्री यह बताने की कृपा करेंगे कि :

(क) भारतीय विदेश सेवा में इस समय राज्यवार कुल कितने पदाधिकार हैं ;

(ख) उनमें से कितने सीधे और कितने प्रतियोगिता परीक्षाओं के आधार पर नियुक्त किए गए थे ; और

(ग) कुल में हरिजन आदिवासी कितने प्रतिशत हैं ?

प्रधान मंत्री, वैदेशिक-कार्य मंत्री तथा अणुशक्ति मंत्री (श्री जवाहरलाल नेहरू) : (क) भारतीय विदेश सेवा में २३८ अफसरों का अलग अलग राज्य के हिसाब से ब्योरा इस प्रकार है :—

१ आन्ध्र प्रदेश	३
२ असम	३
३ बंगाल	२१
४ बिहार .	७
५ दिल्ली	२३

६ गुजरात .	५
७ हिमाचल प्रदेश	१
८ जम्मू तथा कश्मीर .	१
९ केरल .	१३
१० मध्य प्रदेश	१०
११ मद्रास .	२६
१२ महाराष्ट्र	३१
१३ मैसूर	११
१४ उड़ीसा	२
१५ पंजाब .	४२
१६ राजस्थान	७
१७ उत्तर प्रदेश .	३२

(ख) जो व्यक्ति सीधे नियुक्त किए गए, उनकी संख्या . ११८

प्रतियोगी परीक्षाओं के आधार पर नियुक्त व्यक्तियों की संख्या . १२०

(ग) ५·४६ प्रतिशत ।

New Cantonments

2447. **Shri A. V. Raghavan:**
Shri Pottekkatt:

Will the Minister of **Defence** be pleased to state:

(a) the number of new Cantonments proposed to be set up in 1964-65;

(b) the sites selected for the above purpose; and

(c) when the construction work will be started?

The Minister of Defence (Shri Y. B. Chavan): (a) to (c). Consequent on the expansion of the Army to meet the threat on the Northern Borders, several proposals to establish new cantonments are now under consideration of Government. None of these new cantonments is likely to be established during 1964-65 but work on these projects is likely to be initiated during the year.

Border Roads in Bhutan and Sikkim

2448. **Shri Yashpal Singh:** Will the Minister of **Defence** be pleased to state:

(a) the latest position with regard to the construction of border roads in Bhutan and Sikkim;

(b) whether the main roads have been opened to traffic; and

(c) if not, when it will be done?

The Minister of Defence (Shri Y. B. Chavan): (a) The construction of new roads and improvement of existing roads are in progress. The progress achieved upto 1st March, 1964 is given below:—

	Formation cut.
Bhutan.	180 miles.
Sikkim.	150 miles.

Improvement works are a continuous process and being carried cut according to plan.

(b) The main road in Sikkim is that from Siliguri to Gangtok which is open to unrestricted traffic. The road from Gangtok to Singhik is also being used by civil transport. In Bhutan, the first forty miles of one road have been thrown open to civil vehicles.

(c) Does not arise.

Conference of Senior Officers on NEFA

2449. **Shri B. P. Yadava:**
Shri Dhaon:
Shri Bishanchander Seth:
Shri P. C. Borooah:

Will the **Prime Minister** be pleased to refer to the reply given to Starred Question No. 11 on the 18th November, 1963 and state:

(a) whether the recommendations of the Conference of the Senior Officers of NEFA have been studied by Government;

(b) if so, the decisions taken; and

(c) the action taken in the light of those decisions?

The Prime Minister, Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): (a) The NEFA Senior Officers' Conference is a local conference arranged annually by the NEFA Administration, who also study and process its recommendations. These usually relate to matters of local administrative detail. The Government of India considers only such matters as are referred to it by the Governor. No issues have been referred to the Government of India as specifically arising from the Conference and the proceedings of the Conference are still under the consideration of the NEFA Administration.

(b) and (c). Does not arise.

आकाशवाणी समाचार

२४५०. **श्री म० ला० द्विवदी :**
श्रीमती सावित्री निगम :

क्या **सूचना और प्रसारण** मंत्री यह बताने की कृपा करेंगे कि :

(क) आकाशवाणी के कितने केन्द्रों और उप-केन्द्रों से अंग्रेजी में समाचारों का प्रसारण होता है और उनमें से कितनों से हिन्दी समाचारों का भी प्रसारण होता है और

(ख) आकाशवाणी के कौन-कौन से केन्द्रों और उपकेन्द्रों में विभिन्न प्रादेशिक भाषाओं और हिन्दी के संवाददाता नियुक्त किये गये हैं तथा उनकी संख्या कितनी है और वहां अंग्रेजी के कितने संवाददाता नियुक्त किये गये हैं ?

संसद्-कार्य मंत्री (श्री सत्य नारायण सिंह): (क) अंग्रेजी में समाचार रिले करने वाले आकाशवाणी के केन्द्रों तथा उप-केन्द्रों की संख्या ४२.

उपरोक्त केन्द्रों में से हिन्दी में भी समाचार रिले करने वालों की संख्या . . . ३५

(ख) २२ संवाददाता नियुक्त किए गए हैं, सात दल्ली में और एक अहमदाबाद, बंगलौर, भोपाल, बम्बई, भुवनेश्वर, कलक्ता, चन्डीगढ़, हैदराबाद, जयपुर, कोहिमा, लखनऊ, मद्रास, पटना, श्रीनगर, और तिरू अनंत पुरम में ।

संवाददाताओं को उनकी पत्रकारिता सम्बंधी अनुभव और योग्यता के आधार पर नियुक्त किया जाता है, केवल किसी विशेष भाषा के ज्ञान के आधार पर नहीं । तथापि सभी पत्रकार अंग्रेजी अच्छी तरह जानते हैं ।

उपरोक्त संवाददाताओं के अतिरिक्त १२ रिपोर्टर केवल हिन्दी प्रादेशिक भाषाओं के प्रादेशिक समाचार, बुलेटिनों के लिए नियुक्त किए गए हैं । ये अहमदाबाद, भोपाल बंगलौर, बम्बई कलक्ता, कटक, गोहाटी, हैदराबाद, जयपुर, लखनऊ, पटना और त्रिवेन्द्रम में एक एक के हिसाब से नियक्त हैं ।

पलाटून कमांडर का पाकिस्तान में निरोध

२४५१. **श्री प० ला० बारूपाल :** क्या **प्रधान** मंत्री १६ दिसम्बर, १९६३ के अतारांकित प्रश्न संख्या १७३० के उत्तर के सम्बंध में यह बताने की कृपा करेंगे कि राजस्थान आर्मड कंस्टैबुलरी के प्लाटून कमांडर श्री धन सिंह को भारत को लौटाने के बारे में पाकिस्तान सरकार से जो बातचीत चल रही थी उसका क्या परिणाम रहा ?

प्रधान मंत्री, वैदेशिक कार्य मंत्री तथा अणुशक्ति मंत्री (श्री जवाहर लाल नेहरू) : पश्चिम पाकिस्तान के अधिकारियों ने ११ मार्च १९६४ को राजस्थान सशस्त्र सिपाही दल (आर्मड कंस्टेबलरी) प्लाटून कमांडर

श्री धन सिंह को राजस्थान पुलिस के हवाले कर दिया था ।

पाकिस्तान में भारतीय डाकू

२४५२. **श्री प० ला० बारूपाल** : क्या **प्रधान** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि राजस्थान का कुख्यात डाकू जगमाल सिंह जिस पर अनेक डाकों और हत्याओं के आरोप हैं, पाकिस्तान में शरण पाये हुए हैं ;

(ख) यदि हां, तो जगमाल सिंह को भारत वापस लाने के लिये क्या कार्यवाही की गई है ;

(ग) क्या यह भी सच है कि कुख्यात डाकू तेजा सिंह, मुसम्मात तीजान नामक महिला को उड़ाकर पाकिस्तान ले गया था ; और

(घ) यदि हां, तो मुसम्मात तीजान को वापस भारत लाने के लिए क्या कदम उठाये गये हैं ?

प्रधान मंत्री, वैदेशिक कार्य मंत्री तथा अणुशक्ति मंत्री (श्री जवाहरलाल नेहरू) : (क) पश्चिम पाकिस्तान रेंजर्स के सैनिकों ने १२ अप्रैल १९६३ को पाकिस्तानी प्रदेश के भीतर डाकू जगमाल सिंह को पकड़ लिया था ।

(ख) पाकिस्तान सरकार से जगमाल सिंह को यहां भेज देने के लिए अनुरोध किया गया था लेकिन उन्होंने कहा कि पाकिस्तान में कानूनी कायवाही पूरी कर लेने के बाद उसकी वापसी के प्रश्न पर विचार किया जायेगा ।

(ग) और (घ). मुसम्मात तीजान को कुछ भारतीय डाकू भगा कर पाकिस्तान ले गए थे । उसे पश्चिम पाकिस्तान रेंजर्स के सैनिकों ने छुड़ा लिया था । उसकी वापसी के प्रश्न पर पाकिस्तान सरकार के साथ राजनयिक सूत्रों के ज़रिये लिखा पढ़ी की गई थी । पाकिस्तानी अधिकारियों ने उसे ११ मार्च १९६४ को भारतीय अधिकारियों को सौंप दिया था ।

विशाखापत्तनम में नौसैनिक अड्डा

२४५३. **श्री विश्वनाथ पाण्डेय** : क्या **प्रतिरक्षा** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि सरकार विशाखा पत्तनम में एक नया नौसैनिक अड्डा बनाने का विचार कर रही है ; और

(ख) यदि हां, तो वह कब तक बनेगा और उस पर कितना व्यय होगा ?

प्रतिरक्षा मंत्री (श्री चव्हाण) : (क) तथा (ख) : विशाखापत्तनम में एक बड़े नौसेना बेस तथा गोदी वाड़े की संस्थापना करने सम्बन्धी प्रायोजना सरकार द्वारा सिद्धान्ततः स्वीकार कर ली गई है, जिसे उपयुक्त प्रावस्था-विभाजित प्रोग्राम अनुसार कार्यान्वित किया जायगा । बेस के विकास के प्रथम भाग के तौर पर, नौसेना ह्वार्फ तथा मरम्मत सुविधायें जुटाने के लिये, वर्कशाप भवन के निर्माण का कार्य प्रगतिशीलता से हो रहा है, जिस पर लगभग १६६ लाख रुपये खर्च आने का अनुमान है ।

Labour Welfare Officers in U.P.

2454. Shri Vishwa Nath Pandey: Will the Minister of **Labour and Employment** be pleased to state:

(a) the number and names of textile mills in Uttar Pradesh which have not employed Labour Welfare Officers so far; and

(b) the steps Government propose to take in the matter?

The Deputy Minister in the Ministry of Labour and Employment and

Planning (Shri C. R. Pattabhi Raman): (a) and (b). The information is as follows:—

(1) *Swadeshi Cotton Mills Co. Ltd. Kanpur*

The Grade I welfare officer of the factory died in November, 1963. The employers have approached the State Government for approval of appointment of a particular officer. This is under consideration of the State Government.

(2) *Elgin Mills Co. Ltd. Kanpur*

Legal action has been taken against the mill and the case is pending in the court of law.

(3) *Moradabad Spinning & Weaving Mills, Moradabad*

(4) *Swadeshi Cotton Mills Co. Ltd., Naini, Allahabad*

They have been asked by the State Government to appoint qualified welfare officers immediately, failing which legal action will be taken against them.

Technical Training Centre at Phadi Near Ranchi

2455. Shri Maheswar Naik: Will the Minister of **Labour and Employment** be pleased to state:

(a) whether it is a fact that the Federal Republic of Germany has established a technical training centre at Phadi near Ranchi; and

(b) if so, the nature of training proposed to be given in the centre?

The Deputy Minister in the Ministry of Labour and Employment and for Planning (Shri C. R. Pattabhi Raman): (a) No. The training centre has been started by the G. E. L. Church of Chota Nagpur and Assam, and is being wholly financed by the G. E. L. Church Mission, Germany.

(b) To equip young men, particularly of the rural areas of the industrial belt, who are unable to pursue higher studies, with technical know-how to meet the needs of skilled artisans and craftsmen of the various industrial undertakings.

Roads in Nefa

2456. Shri Rishang Keishing: Will the **Prime Minister** be pleased to state:

(a) the mileage of jeepable and motorable roads constructed by the NEFA administration during the Third Five Year Plan so far;

(b) the percentage of the fixed target of the Plan achieved; and

(c) the special programmes for construction of motorable and jeepable roads undertaken in order to meet the ungent need for a network of the aforesaid roads in NEFA?

The Prime Minister, Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): (a) 127½ miles.

(b) 30. 43 per cent of the Third Five Year Plan target of 419 miles.

(c) The Border Roads Development Board has taken over from the NEFA Administration the construction of all major road projects in NEFA. This includes the improvement of a number of roads earlier opened by the NEFA Administration. Special attention is thus being paid to the urgent need for a net-work of strategic roads in NEFA under special programmes reviewed from time to timt in consultation with the Ministries of Defence and External Affairs. It will not be in the public interest to disclose the details of these roads.

Community Listening Sets

2457. Shri Maheswar Naik: Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether it is a fact that subsidised radio sets supplied to rural areas for community listening often remain

unutilized on account of high recurring cost of batteries; and

(b) if so, whether Government are taking any action to render assistence in the matter?

The Minister of Parliamentry Affairs (Shri Satya Narayan Sinha): (a) Yes. Sir; some receivers in a few States occasionally remain unutilised for want of batteries.

(b) The maintenance and operation of community listening sets is the responsibility of State Governments. However, what could be done to help them to keep the sets working is already under the active consideration of the Government.

Geodesic Domes

2458. Shri Jedhe: Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that recently Mr. Richard B. Fuller, an American expert on housing, visited India; and

(b) if so, whether Government had any discussion with him in regard to the solution of housing problem by construction of geodesic domes in India?

The Minister of Defence (Shri Y. B. Chavan): (a) Yes, Sir.

(b) No, only technical problem relating to geodesic domes were discussed by Mr. Fuller with officers of Army Headquarters. He has given a scheme for the manufacture of geodesic domes which is under consideration.

जैसौर जिले में पाकिस्तानी सैनक केन्द्र

२४५९. **श्री हुकम चन्द कछवाय :**
श्री प्र० र० चक्रवर्ती :

क्या प्रतिरक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि पाकिस्तान ने जैसोर जिले में नवरून स्थान पर एक नया सैनिक अड्डा खोला है ;

(ख) क्या यह भी सच है कि नदिया सीमा पर सैनिक टुकड़ियों की संख्या बढ़ा दी गई है ;

(ग) यदि हां, तो क्या भारत सरकार ने पाकिस्तान की आक्रमणकारी गतिविधियों को रोकने के लिये आवश्यक कदम उठाये हैं ; और

(घ) यदि हां, तो उनका ब्योरा क्या है ?

प्रतिरक्षा मंत्री (श्री यशवन्तराव चह्वाण) (क) से (घ). सरकार पश्चिमी बंगाल-पूर्वी पाकिस्तान सीमा पर, पाकिस्तानी सेनाओं के कार्यकलाप से अवगत है। अपनी सीमा की सुरक्षा सुनिश्चित करने के लिये आवश्यक पग पहले ही उठाये जा चुके हैं।

इस क्षेत्र में पाकिस्तानी सेनाओं की स्थितियों तथा संक्रिया के संबंध में, सरकार को प्राप्त, विस्तरण के बारे में प्रकट करना लोकहित में नहीं होगा।

Vividh Bharati

2460. Shri Yashpal Singh: Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether the programme entitled, 'Chitradhwani' is broadcast every fortnight in the Vividh Bharati programmes;

(b) if so, the main criteria for the selection of films for this programme; and

(c) whether any royalty is paid to the producers of such films?

The Minister of Parliamentary Affairs (Shri Satyanarayan Sinha): (a) Yes, Sir.

(b) The main criteria are the overall quality and appeal of a particular film.

(c) A fee of Rs. 100 is paid to each film-producer for the broadcast of the sound-track of the film concerned.

Explosions in Border Area of Neta

2461. Shri P. C. Borooah: Will the **Prime Minister** be pleased to state:

(a) the number of explosions in the border areas of NEFA during the past two years;

(b) the damage to life and property caused thereby in that region; and

(c) the number of cases in which the explosives smuggled from abroad were found to have been used and the origin of those explosives usually?

The Prime Minister, Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): (a) No explosions of a subversive origin have taken place in NEFA during the past two years. There have been nine purely accidental explosions.

(b) Three explosions occurred on the night of 25th|26th December, 1962, when some mines and booby traps left on the Walong battle field detonated without causing casualties. Two similar explosions occurred in the Sela area on 2nd February, 1963 causing injuries to civilians. On 3rd June, 1963 a 25 pounder shell abandoned on the battle field exploded near Tawang killing three people and injuring three others. Towards the end of 1963, one villager was killed in a roadblasting accident near Daporijo. One other rank was injured by a defective grenade-burst during training on 27th June, 1963, at Foot Hills. Six Army personnel were also injured by the accidental explosion of rocket ammunition, during training near Bomdila.

As the Civil Administration returned to NEFA, search parties were arranged, in consultation with the Army, to locate and render safe the abandoned explosives.

(c) Does not arise.

Relief to Unemployed

2462. Shri D. C. Sharma: Will the Minister of **Labour and Employment** be pleased to state

(a) whether the scheme to give relief to the unemployed workers for which funds were set apart has been working satisfactorily;

(b) if so, how the fund is being utilized at present; and

(c) the extent to which the workers have got relief out of this fund?

The Deputy Minister in the Ministry of Labour and Employment and for Planning (Shri C. R. Pattabhi Raman): (a) to (c). Details of the scheme are in the process of being worked out.

Promotions in A.O.C.

2463. Shri Heda: Will the Minister of **Defence** be pleased to state:

(a) the number of Lower Division Clerks who did not get any promotion for the last 15 to 20 years in the Army Ordnance Corps;

(b) whether it is due to lack of avenues of promotion in this cadre; and

(c) whether Government propose to remedy the situation and if so, how?

The Minister of Defence (Shri Y. B. Chavan):

(a) to (c). The information is being collected and will be laid on the Table of the House.

Army Ordnance Corps

2464. Shri Heda: Will the Minister of **Defence** be pleased to state:

(a) the strength of civilian clerical cadre of the Army Ordnance Corps in the various grades;

(b) the total number of civilian gazetted posts sanctioned for this cadre, both Class I, and II; and

(c) the ratio fixed between the strength of clerical cadre and civilian gazeted posts?

The Minister of Defence (Shri Y. B. Chavan): (a) The present strength of civilians clerks centrally controlled is as follows:—

Head Clerks Grade I . .	18
Head Clerks Grade II . .	257
Upper Division Clerks . .	1108
Lower Division Clerks .	4416
Cashiers . . .	12
Assistant Cashiers . . .	21
Comptist	17
TOTAL	5849

Besides, there are 503 clerks in various grades who are locally controlled and working in field depots.

(b) 33 Class II Civilian Gazetted posts have been sanctioned for this cadre. There is no Class I post in this cadre.

(c) No ratio is fixed between the strength of clerical cadre and civilian gazetted posts. The number of officers is determined on an as required basis.

Re-employment of Superannuated Service Officers

2465. Shri Heda: Will the Minister of Defence be pleased to state:

(a) whether it is a fact that superannuated service officers are re-employed in the Army Ordnance Corps;

(b) if so, their total number at present; and

(c) the justification for reverting civilian officers when superannuated service officers are re-employed?

The Minister of Defence (Shri Y. B. Chavan): (a) Yes, Sir. Under the existing rules, superannuated released Service Officers can be re-employed in the Army Ordnance Corps as well as in other Arms and Services.

(b) The number of retired/released Service Officers who have been re-employed in Army Ordnance Corps upto the 31-3-1964 and are on the effective strength is 24.

(c) Due to non-availability of Service Officers, a certain number of civilians were promoted as Ordnance Officers (Civ.), in an officiating capacity, in the Army Ordnance Corps against posts tenable by Service Officers. As and when suitable Service Officers become available, by re-employment or otherwise, the Ordnance Officers (Civ.) promoted against the Service Officers' vacancies will have to vacate these posts, unless absorbed elsewhere.

Staff in Field Ordnance Depots

2466. Shri Heda: Will the Minister of Defence be pleased to state whether it is a fact that Lower Division Clerks employed in Field Ordnance Depots with 10 years' or less service are likely to be confirmed while those on the all-India roster with 15 to 20 years' service will remain un-confirmed for an indefinite period?

The Minister of Defence (Shri Y. B. Chavan): Civilian personnel employed locally in the Field Ordnance Depots were till now not eligible for confirmation. Recently, Government have decided as a special case, to make these personnel eligible for confirmation by making a percentage of the appointments in these Depots permanent. A large number of posts of Lower Division Clerks employed in the State Depots have been/are being converted into permanent ones and persons borne on the all India roster are being confirmed against

these posts. A comparison regarding the length of service put in by persons who have been confirmed can be made only after the temporary posts in the Field and Static Depots are converted into permanent ones and confirmations have been effected against the same.

Confirmations in Army Ordnance Corps

2467. Shri Heda: Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that Lower Division Clerks in Army Ordnance Corps who have put in about 20 years' service have not been confirmed so far;

(b) if so, the number of such clerks; and

(c) the reasons for not confirming them?

The Minister of Defence (Shri Y. B. Chavan): (a) to (c). There are 305 Lower Division Clerks in the Army Ordnance Corps who have put in 20 years of service including E.T.E. service. Since half of the length of E.T.E. service counts for the purpose of seniority, these persons have not yet come up for confirmation.

पूर्वी पाकिस्तान के अल्पसंख्यकों के बारे में फिल्म

३४६८. श्री सिद्धेश्वर प्रसाद : क्या **प्रधान मंत्री** यह बताने की कृपा करेंगे कि :

(क) क्या पूर्वी पाकिस्तान में अल्पसंख्यकों पर जो अत्याचार किए गए उसके सम्बन्ध में विदेशों में दृश्य प्रकार करने के लिये कोई फिल्म बनाई गई है या बनाई जा रही है ; और

(ख) यदि नहीं, तो इसके क्या कारण हैं ?

प्रधान मंत्री, वैदेशिक कार्य मंत्री तथा अणु शक्ति मंत्री (श्री जवाहरलाल नहरू) : (क) अभी हाल ही में एक वृत चित्र तैयार किया गया है जिसमें पूर्व पाकिस्तान से ईसाइयों को रवानगी और अल्पसंख्यकों का भारत आना, भारत में उनका स्वागत-सत्कार, देखभाल और यहां जिस तरह उनका पुनर्वास किया गया वह सब दिखाया गया है। उम्मीद की जाती है कि यह चित्र जल्दी ही दिखाया जायेगा। सदन को यह सूचना पहले ही दे दी गई थी कि फ्रांस, जर्मनी और ब्रिटेन की टेलीविजन टीमों का गारो हिल्स ले जाने का प्रबन्ध हमने किया था। इन टेलीवीजन कैमरामैनों ने जो चित्र लिये वे उपर्युक्त देशों में और संयुक्त राज्य अमरीका में जगह-जगह दिखाये जा रहे हैं। इन चित्रों में उन ईसाई शरणार्थियों की दुदर्शा का चित्रण किया गया है जो धार्मिक असहिष्णुता और अत्याचारों के कारण पाकिस्तान से भागे हैं।

(ख) प्रश्न नहीं उठता।

A.I.R., Cuttack

2469. Shri Dhuleshwar Meena:
Shri Ramachandra Ulaka:

Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether there is any proposal to upgrade the power capacity of Cuttack Radio Station in Orissa; and

(b) if so, the details thereof?

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): (a) No, Sir.

(b) Does not arise.

Cantonment Board, Ambala

2470. Shri A. N. Vidyalankar: Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that the Cantonment Board, Ambala has failed to implement the terms of settlement in connection with the dispute with

the employees reached on the 29th November, 1962 till today; and

(b) if so, the action taken to enenforce the settlement?

The Minister of Defence (Shri Y. B. Chavan): (a) and (b). The reference is presumably to tne discussions held on the 29th November 1962 on certain demands of the Cantonment Fund Employees Association|All India Cantonment Board Employees Federation, before the Regional Labour Commissioner (Central), Kanpur. The Regional Labour Commissioner (Central), Kanpur, examined these points subsequently and gave his decisions thereon on the 6th February 1963. The acceptance of these decisions was recommended by the Law and Education Committee of the Cantonment Board. Before these recommendations could be considered by the Cantonment Board for implementation, 3 male teachers of the Board filed a writ petition against one of the decisions before the Punjab High Court who passed stay orders on the implementation of the award on 6th March 1963.

In view of the High Court's orders, the Cantonment Board, Ambala, has resolved to pend further action in the matter till a decision is given by the High Court.

Cantonment Boards in Punjab

2471. Shri A. N. Vidyalankar: Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that all the Cantonment Boards situated in the Punjab State have failed to comply with the orders of the National Industrial Tribunal (Award No. 2 of 1958) as interpreted in the Central Government Tribunal Delhi (vide its decision dated 5th May, 1961 and 18th June, 1962); and

(b) if so, the steps proposed to be taken to enforce the orders of the Tribunals?

The Deputy Minister in the Ministry of Defence (Shri D. R. Chavan): (a) and (b). The reference is presumably to the decisions of the Industrial Tribunal, Delhi dated 10-4-1962 and 8-4-1963 published in the Gazette respectively. The decision of 10-4-1962 was with regard to the date from which the Award of the National Industrial Tribunal in respect of certain allowances should be given effect to and also the method of calculation of the Hill or Compensatory Allowances. This has been implemented by all the Cantonment Boards concerned in the Punjab.

The decision of the Tribunal dated the 8th April, 1963 related to one increment being given to the teaching staff, doctors and engineers (above over-seers grade), who are already in receipt of pay and allowances as applicable to the corresponding categories of the State Government employees, under certain conditions. This decision is being implemented by the Cantonment Boards concerned in the Punjab except in so far as it relates to teachers in the Cantonment Board, Ambala.

Aircraft From Private Air Companies

2472. Shrimati Renu Chakravartty: Will the Minister of **Defence** be pleased to state:

(a) whether the aircraft belonging to private air companies are being bought by Government;

(b) the steps Government are taking to see that the aircraft are in good condition; and

(c) the names of the Companies from which such aircraft have been purchased?

The Minister of Defence (Shri Y. B. Chavan): (a) and (c). Two aircraft belonging to the Darbhanga Aviation have been acquired by Government.

(b) Aircraft have been inspected by technical officers of the Indian Air Force to assess their condition and suitability for purchase.

Civilian Ordnance Officers

2473. **Shri S. M. Banerjee:**
Shri Hari Vishnu Kamath:

Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that there is a ban on promotion of Ordnance Officers (civilian) to Class I posts;

(b) if so, the reasons therefor; and

(c) if the reply to part (a) above be in the negative, how many Ordnance Officers (civilian) are at present holding Class I posts as compared to their counterparts from the Army?

The Minister of Defence (Shri Y. B. Chavan): (a) There are no Class I posts in the Army Ordnance Corps to which Ordnance Officers (Civilian) can be promoted. The question of any ban on such promotion does not, therefore, arise.

(b) and (c) Do not arise.

Confirmation of Ordnance Officers (Civilian) in A.O.C.

2474. **Shri S. M. Banerjee.**
Shri Hari Vishnu Kamath.

Will the Minister of Defence be pleased to state:

(a) whether it is a fact that Civilian Officers in Army Ordnance Corps are still temporary even after putting in 20 years' of service;

(b) if so, the reasons therefor; and

(c) the steps proposed to be taken to confirm them?

The Minister of Defence (Shri Y. B. Chavan): (a) 3 Civilian Officers in the Army Ordnance Corps are still temporary even after putting in 20 years of service.

(b) The confirmations could not be effected on account of non-availability of permanent posts.

(c) The case for their confirmation is under consideration.

Expansion Programme in A.O.C.

2475. **Shri S. M. Banerjee:**
Shri Hari Vishnu Kamath:
Shri Heda:

Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that Ordnance Officers (Civilian) in Army Ordnance Corps have not been given their due share in the matter of appointments in the expansion programme;

(b) the umber of new posts that have been created in the expansion programme since the Emergency; and

(c) how many of them have been occupied by Civilian Ordnance Officers and how many by their equivalent ranks in the Army?

The Minister of Defence (Shri Y. B. Chavan): (a) No, Sir. Civilian Officers in the Army Ordnance Corps have been given their due share in the expansion of the Static Ordnance Depots in which Civilian Officers are employed along with military officers. All posts of officers in Ordnance Field Depots Units are held by Military Officers.

(b) The following new posts of officers have been created in the expansion programme of Static Ordnance Depots since the Emergency:—

(i) Expansion of existing State Ordnance Depots.

(aa) Civilians 8
(bb) Military 4

(ii) Raising of new Static Ordnance Installations*

Civilian Officers 25
Military Officers 60

*Some of the new installations are likely to be raised in 1965-66 and in 1966-67.

(c) The 8 posts of Civilian Officers and 4 of Military Officers have all been occupied by the Civilian Officers as the Corps was short of Military Officers.

विस्थापित व्यक्तियों को पेन्शनें

२४७६. **श्री ओंकार लाल बेरवा** : क्या **प्रतिरक्षा** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि एक सरकारी विज्ञप्ति के अनुसार सशस्त्र सेनाओं के विस्थापित व्यक्तियों की पेंशन में वृद्धि की जा रही है ;

(ख) यदि हां, तो पेंशन मे वद्धि किस आधार पर की जायेगी ; और

(ग) वह किस तारीख से लागू होगी ?

प्रतिरक्षा मंत्री (श्री यशवन्त राव चह्वाण) : (क) से (ग). जैसा कि २२-३-१९६४ के प्रेस नोट में बताया गया है, सशस्त्र सेवाओं के उन विस्थापित पेंशनरों के लिये बढ़ी दरों पर पेंशनों में स्थायी वृद्धिएं स्वीकार की गई हैं जो इस समय भारत में रह रहे हैं, और जिन्हें पाकिस्तान सरकार की तरफ से पुरानी पेंशन पद्धति के दरों पर पेंशनें दी जाती हैं। परन्तु शर्त यह है, कि वह पाकिस्तान से ३० जून १९५५ से पहले भारत आए हों ।

२. पाकिस्तान सरकार के साथ स्वीकृत प्रबन्ध के अनुसार, भारत सरकार उस सरकार की ओर से विस्थापित पेंशनरों को पुराने दरों पर पेंशनों और अस्थायी वृद्धियों की अदायगी करती है, जो ३१-१२-४७ के पश्चात् परन्तु ३०-६-५५ से पहले भारत आ गए थे । इन विस्थापित पेंशनरों की पेंशनों का सारा भार पाकिस्तान सरकार पर है । इसलिये, इन विस्थापित पेंशनरों को बढ़े दरों तर पेंशनरों में अस्थायी वृद्धिएं देने का भारत सरकार पर दायित्व नहीं आता, जो दर भारत सरकार के कर्मचारियों पर लागू हैं। तदपि, इस मामले पर करुणामूलक आधार पर विचार किया गया था, और फैसला किया गया था कि अनुग्रहपूर्वक सुविधा के तौर पर पेंशनों में अस्थायी वृद्धि के बढ़े दर विस्थापित पेंशनरों के इस वर्ग को भी प्रदान किए जायें ।

३. सरकार का यह फैसला १ जून १९६३ से लागू है ।

Vacancies Notified in U.P.

2477. Shri Vishwa Nath Pandey: Will the Minister of **Labour and Employment** be pleased to state:

(a) the total number of vacancies notified in the public and private sector establishments in Uttar Pradesh from 1st January, 1964 to 31st March, 1964; and

(b) the total number of vacancies filled up in these establishments through various employment exchanges during the same period?

The Deputy Minister in the Ministry of Labour and Employment and for Planning (Shri C. R. Pattabhi Raman): (a) and (b).

Sector	Number of vacancies notified during January-March, 1964	Number of vacancies filled during January-March, 1964
1	2	3
Public	19,990	15,642
Private	9,511	6,681

मीणा जाति के लोगों की भर्ती

२४७८. श्री रतन लाल : क्या प्रतिरक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि पिछले वर्ष राजस्थान के कुछ प्रमुख मीणाओं ने उन्हें कोई लिखित प्रार्थना-पत्र इस आशय का भेजा था जिस में मीणा जाति के जवानों को सेना में भर्ती करने तथा उन को अलग डिवीजन बनाने को कहा गया था ; और

(ख) यदि हां, तो इस बारे में सरकार की क्या प्रतिक्रिया है ?

प्रतिरक्षा मंत्री (श्री यशवन्त राव चह्वाण) : (क) जी हां ।

(ख) सरकार की सामान्य नीति यह है, कि भर्ती के मामले में यथासंभव उदारता से काम लिया जाय । इस नीति पर चलते हुए, तकनीकी सेवाएं और सेवाओं में वर्गरचना को समाप्त कर दिया गया है । तदपि, पदाती तथा कवचित अनीकिनो की बहुत सी यूनिटों में वर्गरचना की समाप्ति संभव नहीं हो सकी, यद्यपि इन यूनिटों में भी, नए वर्गों को भर्ती किया जा रहा है । आपात स्थिति के पश्चात्, मीणा समेत कई उल्लिखित तथा प्रादेशिक वर्गों को, नई खड़ी की जाने वाली यूनिटों में अधिक प्रतिनिधित्व दिया गया है । मिले जुले वर्गों वाले सेवांगों और सेवाओं के अतिरिक्त, मीणाओं को ग्रेनेडियर रेजीमेंट में भी भर्ती किया जा रहा है । सेना की किसी रेजीमेंट या डिवीजन का, किसी नए जातिसूचक, नाम से नामकरण सरकार की नीति के संगत न होगा ।

Consultative Committees

2479. **Shri Yashpal Singh:**
Shri Vishram Prasad:
Shri Hari Vishnu Kamath:

Will the Minister of **Parliamentary Affairs** be pleased to state:

(a) the number of meetings of the Consultative Committee of each Ministry held during the period, 16th April, 1962 to 31st March, 1964;

(b) the number of members who attended each of these meetings;

(c) whether Government propose to revive the formed Standing Committees for the various Ministries; and

(d) if not, the reasons therefor?

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): (a) and (b). A statement giving the required information is laid on the Table of the House. [*Placed in Library. See* No. LT-2778/64].

(c) No, Sir.

(d) The practice of constituting Standing Committees of Parliament was abandoned in 1952 after consulting the Speaker and the Chairman at that time because it was the considered opinion of the Government and the Presiding Officers that the former Standing Committees did not fit in with the constitutional changes that had taken place.

Desert Warfare

2480. Shri Tan Singh: Will the Minister of **Defence** be pleased to state:

(a) whether Government propose to impart training to its troops in desert warfare; and

(b) the steps taken to augment the production of proper equipment for such warfare?

The Minister of Defence (Shri Y. B. Chavan): (a) All formations and units are trained to fit them for the opera-

tional roles allotted to them. Such training includes training in desert warfare.

(b) Troops are adequately equipped with weapons designed for the operational tasks allotted to them.

Indian Mission Abroad

2481. Shri Hari Vishnu Kamath: Will the **Prime Minister** be pleased to refer to the reply given to Starred Question No. 799 on the 30th March, 1964 and state:

(a) on how many occasions and where the instructions to the Heads of Indian Missions abroad regarding attending of formal functions given by the Governments of the countries visited by the Chinese Premier have not been complied with to date;

(b) whether the instructions apply to receptions, dinners, banquets given to Chinese leaders as well as by them; and

(c) if not, the reasons therefor?

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): (a) None. We had asked our **Envoys** to attend functions given by the Governments of the countries visited by the Chinese Premier.

(b) The instructions envisaged that our Envoys should not attend receptions, dinners or banquets given by the Chinese leaders but attend those given to the Chinese leaders by the host countries.

(c) It would not be proper for our Envoys to refuse invitations from the Heads of State etc., of countries to whom they are accredited.

Lok Sahayak Sena

2482. { **Shri Rishang Keishing:** / **Shri Hem Raj:**

Will the Minister of **Defence** be pleased to state:

(a) the number of Ex-service-men re-enrolled in 1955 in Lok Sahayak Sena Training teams for imparting military training to local citizens;

(b) the number of teams disbanded and the personnel attached to various Territorial Army Battalions all over India who were thus rendered surplus;

(c) whether services of the Lok Sahayak Sena Training teams are no longer required and the Army Headquarters have issued instructions to discharge them; and

(d) if so, why?

The Minister of Defence (Shri Y. B. Chavan): (a) 1700, including 34 Officers and 136 JCOs.

(b) The number of teams disbanded since the Lok Sahayak Sena Scheme was introduced is 22. 499 personnel, out of those rendered surplus on account of disbandment of Lok Sahayak Sena teams in 1963, were posted to various embodied Infantry Battalions of the Territorial Army against their authorised establishment.

(c) Only those training teams which are no longer required have been disbanded. Army Headquarters have issued instructions to discharge those Lok Sahayak Sena personnel who are declared surplus on the disbandment of a team or disembodiment of a Territorial Army Unit.

(d) A majority of the personnel rendered surplus on account of the disbandment of the Lok Sahayak Sena teams in 1963 were posted to the embodied Territorial Army units for making up deficiencies. Now that the Territorial Army units concerned have been or are being disembodied, the Lok Sahayak Sena personnel posted to these units are no longer required. Besides, two teams have been disbanded recently and their personnel have also become surplus.

Ex-servicemen and ex-Officers were re-enrolled or re-commissioned in the Lok Sahayak Sena for a period of

5 years (3 years in the case of officers) or till they attained the age of 55 years. It was, however, provided in the terms and conditions of service of RCOs and Other Ranks that they could be discharged if their services were no longer required. As there is no requirement for the personnel of the disbanded Lok Sahayak Sena teams, they could not be retained in service in the Territorial Army and the Lok Sahayak Sena. They could also not be absorbed in other organisations under the control of the Ministry of Defence, for want of vacancies.

Sailors School in Minicoy Island

2483. Shri Ram Harkh Yadav: Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that a sailors school is going to be established in the Minicoy Island;

(b) if so, the details of the scheme; and

(c) the probable expenditure?

The Minister of Defence (Shri Y. B. Chavan): (a) No, Sir.

(b) and (c). Do not arise.

Pak. Firing near Naushera

2484. Shri P. C. Borooah: Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that one Indian was killed on the 29th March, 1964 as a result of Pakistani firing from across the ceasefire line on the civilians at a place 11 miles from Naushera; and

(b) if so, Government's reaction thereto?

The Minister of Defence (Shri Y. B. Chavan): (a) Yes. Sir.

(b) A cease-fire violation complaint was lodged with the U.N. Military Observers. Besides, necessary precautionary measures have been taken.

प्रतिरक्षा सेवा पदाधिकारियों को व्यापार प्रबन्ध का प्रशिक्षण

२४८५. **श्री ओंकार लाल बेरवा :** क्या प्रतिरक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि भारतीय प्रतिरक्षा सेवा पदाधिकारियों को व्यापार प्रबन्ध का प्रशिक्षण दिया जायेगा ; और

(ख) यदि हां, तो उस का ब्योरा क्या है ?

प्रतिरक्षा मंत्री (श्री यशवन्त राव चह्वाण) : (क) तथा (ख). इस उद्देश्य से, कि सेवा से निवृत्त/विमुक्त हो रहे/हो चुके, प्रतिरक्षा सेवाओं के अफसरों को व्यापार तथा उद्योग में नियुक्ति के अधिक अवसर प्राप्त हो सकें, उन्हें व्यापार-प्रबोधन तथा प्रबंध में प्रशिक्षण देने के लिए, प्रयोग के तौर पर, इस समय एक मास की अवधि का, मार्गप्रदर्शी पाठ्यक्रम जारी किया गया है । इस पाठ्यक्रम को प्रतिरक्षा मंत्रालय के, पुनर्वास मुख्य निदेशक के अधीन नैशनल प्राडक्टिविटी कौंसल चला रही है । इसमें निम्न विषय सम्मिलित हैं :—

१—औद्योगिक पर्यावरण
२—प्रबंध के कार्य तथा सिद्धान्त
३—कम्पनी का ढांचा
४—वित्तीय प्रबंध
५—उत्पादन प्रबंध
६—मेंविवर्ग प्रबंध
७—सामग्री प्रबंध
८—कार्यालय प्रबंध
९—क्रय-विक्रय प्रबंध
१०—कार्यदक्षता प्रबंध

प्रात: विशेषज्ञों द्वारा वक्तव्य होते हैं, और सायंकाल प्राय: स्वाध्याय में बीतता है । कभी कभी तीसरे पहर कई संयंत्रों के

दौरों अथवा प्रख्यात अतिथि-वक्ताओं द्वारा वक्तव्यों का प्रबन्ध किया जाता है । इस पाठ्यक्रम में सेना, नौसेना तथा वायु सेना के सेवा से निवृत्त/विमुक्त हो रहे । हो चुके २७ अफसर प्रशिक्षण पा रहे हैं ।

Trade Unions in Andamans

2486. Shrimati Savitri Nigam: Will the Minister of **Labour and Employment** be pleased to state:

(a) the names of the Trade Unions registered in the Andaman Islands, with the membership of each;

(b) the period for which the accounts of each of the above trade unions have duly been audited last and returns filed with the Registrar of Trade Unions; and

(c) whether all the members of each Trade Union have paid membership fees uptodate and if not, the number of defaulting members in each Union?

The Deputy Minister of Labour and Employment (Shri R. K. Malviya): (a) to (c). A statement containing the requisite information, as is available, is laid on the Table of the House. [*Placed in Library. See* No. LT-2779/64].

हज यात्री

२४८७. **श्री ओंकार लाल बेरवा :**
श्री हुकम चन्द कछवाय :

क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि कलकत्ता के हज यात्रियों को विमानों द्वारा बम्बई पहुंचाया जा रहा है ; और

(ख) यदि हां, तो इस का खर्च कौन देता है ?

प्रधान मंत्री, वैदेशिक कार्य मंत्री तथा अणु शक्ति मंत्री (श्री जवाहरलाल नेहरू) : (क) और (ख). इस बात का ध्यान रखते हुए कि संभव है कि अप्रैल के पहले सप्ताह में बम्बई से समुद्री जहाज द्वारा जाने वाले कुछ हज यात्री कलकत्ता में उपद्रवों के कारण वहां से रेलगाड़ी द्वारा समय पर बम्बई न पहुंच सकें, यह फैसला किया गया था कि हाजियों को सरकारी खर्च पर चार्टर किए हुए हवाई जहाजों द्वारा बम्बई भेज दिया जाय ।

Monaco's Envoy in India

2488. Shri Hari Vishnu Kamath: Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that Monaco has appointed a Counsul General in India and if so, his name, duties and functions;

(b) whether he pursues some other vocation, if so, what;

(c) whether Government have accepted his appointment on a reciprocal basis; and

(d) if so, the name of India's Counsul General in Monaco and if not, the reasons therefor?

The Prime Minister, Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): (a) Yes. Shri R. Chattaram, an Indian national, is holding the post honorarily since 31st August, 1954. At the time of his appointment the Government of Monaco did not specify any special purpose but such posts are normally established for consular or commercial work.

(b) Yes. He is engaged in silk industry.

(c) and (d). No. The Government of India have not appointed any Consular representative in Monaco because the need for it has not so far been felt.

सूचना और प्रसारण मंत्रालय में सचिव का पद

२४८९. { **डा० राम मनोहर लोहिया :**
श्री राम सेवक यादव :

क्या सूचना और प्रसारण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि उनके मंत्रालय के सचिव की जगह पिछले चार महीने से खाली है; और

(ख) यदि हां, तो इसके क्या कारण हैं ?

संसद्-कार्य मंत्री (श्री सत्य नारायण सिंह) : (क) एक अधिकारी ने २१-४-६४ से सूचना और प्रसारण मंत्रालय में विशेष सचिव की हैसियत से काम संभाल लिया है।

(ख) सवाल नहीं उठता ।

Retired Personnel in Defence Undertakings

2490. { **Shri Ram Harkh Yadav:**
Shri Murli Manohar:

Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that a large number of retired defence personnel are going to be absorbed in public Sector Undertakings; and

(b) if so, their number and details of appointments made?

The Minister of Defence (Shri Y. B. Chavan): (a) There is no such scheme under which a large number of retired Defence personnel may be absorbed in Public Sector Undertakings. A Defence Services Liaison Organization exists in the Re-settlement Directorate under the Ministry of Defence who sponsor the names of retired defence services officers for employment in both Public and Private Sectors, after they are suitably assessed for civil employment by the Re-employment Sub-Committee of the Planning Commission. As regards Defence Services personnel other than officers, demands have been received occasionally by the Resettlement Directorate from managements of certain Public/Private Undertakings to sponsor names for employment in their Security departments. The whole question of increasing the employment opportunities for ex-service personnel is coming up for consideration by the Indian Soldiers', Sailors and Airmen's Board very shortly.

(b) Does not arise.

Rehabilitation of Defence Personnel

2491. Shrimati Jyotsna Chanda: Will the Minister of **Defence** be pleased to state:

(a) whether every State in India has made arrangements for rehabilitation of defence personnel; and

(b) if so, the area provided in each State for this purpose?

The Minister of Defence (Shri Y. B. Chavan): (a) and (b). A statement containing the names of the States, which have reserved|offered land for rehabilitating Defence personnel and the area of land, where available, is laid on the Table of the House. [*Placed in Library. See* No. LT-2790/64].

वस्त्र उद्योग में भविष्य निधि योजना

२४९२. **श्री हुकम चन्द कछवाय** : क्या **श्रम और रोजगार** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि समस्त राज्यों के वस्त्र उद्योगों ने भविष्य निधि की बढ़ी हुई दरों अर्थात् ६ से ८ प्रतिशत को लागू कर दिया है; और

(ख) यदि नहीं, तो कपड़े के कितने कारखानों में अभी तक इसे लागू नहीं किया गया है और इसके क्या कारण हैं ?

श्रम और रोजगार मंत्रालय में उपमंत्री तथा योजना उपमंत्री (श्री वे० रा० पट्टाभिरामन) : (क) जी हां, जूट और प्राकृतिक

रेशमी वस्त्र उद्योगों को छोड़ कर । जिन कारखानों / संस्थानों में ५० या इससे अधिक कर्मचारी काम करते हैं उनमें भविष्य निधि की दर इस प्रकार बढ़ा दी गई है :—

(१) १ नवम्बर, १९६३—वस्त्र (पूर्ण या आंशिक रूप से कृत्रिम रेशम और ऊन का बना हुआ) ।

(२) १ दिसम्बर, १९६३—वस्त्र (पूर्ण या आंशिक रूप से सूत का बना हुआ) ।

(ख) कपड़े के उन कारखानों के बारे में, यदि कोई हों, जो बढ़ी हुई दरों पर अंशदान नहीं दे रहे, सूचना एकत्र की जा रही है और सभा की मेज पर रख दी जायेगी ।

Pak. Raid in Jammu

2493. { **Shri Onkar Lal Berwa:** / **Shri D. C. Sharma:**

Will the Minister of **Defence** be pleased to state:

(a) whether Ramgarh area of Jammu was again raided by Pakistani intruders on the night of 4th and 5th April who succeeded in carrying away two heads of cattle; and

(b) if so, the details of the incident and the action taken in the matter?

The Deputy Minister in the Ministry of Defence (Shri D. R. Chavan): (a) and (b). On the night of 4th April 1964, four intruders entered village Devigarh and tried to lift cattle from a house. When challenged by the villagers, they fled to Pakistan leaving the cattle behind. The place of occurrence is half a mile inside the border and about 10 miles West of Ramgarh.

दिल्ली में पंजीकृत बेरोजगार

२४९४. { **श्री हुकम चन्द कछवाय :** / **श्री शिंकरे ।**

क्या **श्रम और रोजगार** मंत्री यह बताने की कृपा करेंगे कि :

(क) ३१ दिसम्बर, १९६३ को दिल्ली के रोजगार दफ्तरों में कितने लोगों के नाम पंजीकृत थे और उन में से कितने लोगों को १९६३ में रोजगार दिलाया गया;

(ख) क्या ऐसे भी कुछ नाम हैं जो २ वर्ष से अधिक समय से पंजीकृत हैं और उन्हें रोजगार नहीं मिल सका है; और

(ग) यदि हां, तो उनकी संख्या क्या है ?

श्रम और रोजगार मंत्रालय में उपमंत्री तथा योजना उपमंत्री (श्री चे० रा० पट्टाभिरामन) : (क)

३१ दिसम्बर, १९६३ को रोजगार कार्यालयों के चालू रजिस्टरों में दर्ज नाम .	८६,८७२
सन् १९६३ के दौरान रोजगार सम्बन्धी सहायता पाने वालों की संख्या .	२०,९००

(ख) हां ।

(ग) ५,३७१ ।

कारखानों के मुख्य सलाहकार के कार्यालयों के पदाधिकारी

२४९५ { **श्री हुकम चन्द कछवाय :** / **श्री यशपाल सिंह :**

क्या **श्रम और रोजगार** मंत्री यह बताने की कृपा करेंगे कि :

(क) कारखानों के मुख्य सलाहकार के कार्यालय और उसके अधीनस्थ कार्यालयों में प्रथम श्रेणी के ऐसे कितने कर्मचारी हैं जो पिछले १५ वर्षों से कार्यालय में काम कर रहे हैं;

(ख) ऐसे कितने पदाधिकारी हैं जिन्होंने गत तीन वर्ष में सरकारी खर्चे पर प्रशिक्षण लेकर इस कार्यालय को छोड़ दिया और गैर-सरकारी अथवा सरकारी क्षेत्र में नौकरी कर ली; और

(ग) गत तीन वर्ष में इन पदाधिकारियों के विदेशों में प्रशिक्षण पर छुट्टी के वेतन सहित कुल कितना व्यय किया गया है ?

श्रम और रोजगार मंत्रालय में उपमंत्री तथा योजना उपमंत्री (श्री चे०रा० पट्टाभिरामन) : (क) तीस ।

(ख) जिन पदाधिकारियों ने विदेश में विशिष्ट प्रशिक्षण प्राप्त किया, उनमें से केवल एक पदाधिकारी ने त्याग-पत्र दिया है । उपलब्ध सूचना के अनुसार उसने भारत में नौकरी नहीं की परन्तु विदेश चला गया ।

(ग) सूचना एकत्र की जा रही है और सभा की मेज पर रख दी जायेगी ।

I.L.O. Aid on Labour Problems

2496. Shri Subodh Hansda: Will the Minister of **Labour and Employment** be pleased to state:

(a) whether it is a fact that the International Labour Organisation has offered to help the Government as well as Industries in under-developed and developed countries in solving labour problems;

(b) if so, whether India will take advantage of their help; and

(c) whether any programme in this regard has been sent to the International Labour Organisation?

The Deputy Minister in the Ministry of Labour and Employment and for Planning (Shri C. R. Pattabhi Raman): (a) No special new offer has been received from the International Labour Organisation although the I.L.O. is rendering assistance to India under various technical assistance programmes.

(b) and (c). Do not arise.

Workmen's Compensation Act, 1923

2497. Shri Eswara Reddy: Will the Minister of **Labour and Employment** be pleased to state:

(a) whether the Government of Andhra Pradesh have not yet framed the rules under Workmen's Compensation Act, 1923 for the payment of compensation to those suffering from pneumoconiosis in coal mines; and

(b) if so, the steps proposed to be taken to get the same expedited?

The Deputy Minister in the Ministry of Labour and Employment and for Planning (Shri C. R. Pattabhi Raman): (a) and b). The draft rules were published by the State Government in July, 1963. They have intimated that the rules are being finalised taking also into consideration certain amendments recommended to them in October, 1963 by the Ministry of Labour and employment.

Housing for Coal Mine Workers

2498. Shri Eswara Reddy: Will the Minister of **Labour and Employment** be pleased to state:

(a) whether it is a fact that the Coal Mines Welfare Organisation propose to construct 10,000 Dharbad type quarters under the New Housing Scheme; and

(b) if so, the number allotted to public and Private Sector Coal Mines separately?

The Deputy Minister in the Ministry of Labour and Employment (Shri R. K. Malviya): (a) The Advisory Committee of the Coal Mines Labour Welfare Fund in its meeting held on 4th February, 1964 have recommended construction of 30,000 houses under the New Housing Scheme and the matter is under the consideration of Government.

(b) Allotment will be made by the Housing Board of the Coal Mines Labour Welfare Fund after the issue of the sanction.

Coal Mines Labour Welfare Cess

2499. Shri Eswara Reddy: Will the Minister of **Labour and Employment** be pleased to state:

(a) whether any decision has been taken to enhance the rate of Coal Mines Labour Welfare Cess from 50 nP. to Re. 1/— per ton of coal despatched; and

(b) if so, when the amending legislation will be introduced?

The Deputy Minister in the Ministry of Labour and Employment (Shri R. K. Malviya): (a) and (b). The question of amending Sec. 3 of the Coal Mines Labour Welfare Fund Act, 1947 to raise the permissible limit of cess under the Act to Re.1/- a tonne is under consideration along with certain other amendments to the Act. The amending Bill will be introduced as soon as possible.

12.00 hrs.

PAPERS LAID ON THE TABLE

METALLIFEROUS MINES (AMENDMENT) REGULATIONS

The Deputy Minister in the Ministry of Labour and Employment (Shri R. K. Malviya): Sir, I beg to lay on the Table a copy each of the following notifications under sub-section (7) of section 59 of the Mines Act, 1952:

(1) The Metalliferous Mines (Amendment) Regulations, 1964 published in Notification No. GSR 441 dated the 14th March, 1964.

(2) The Coal Mines (Amendment) Regulations, 1964 published in Notification No. GSR 442 dated the 14th March, 1964.

[*Placed in Library, See No.* LT-2775/64].

ESTIMATES COMMITTEE

FIFTY-FOURTH REPORT

Shri A. C. Guha (Barasat): I beg to present the Fifty-fourth Report of the Estimates Committee on action taken by Government on the recommendations contained in the 125th Report of the Estimates Committee (second Lok Sabha) on the Ministry of Steel, Mines and Heavy Engineering—the Neyveli Lignite Corporation Limited.

12.01 hrs.

BUSINESS OF THE HOUSE

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): With your permission, Sir, I rise to announce that Government Business in this House during the week commencing 27th April, 1964 will consist of:

(1) Any item of Government Business carried over from today's Order Paper.

(2) Consideration and passing of:

The Constitution (Eighteenth Amendment) Bill, 1964.

The Oil and Natural Gas Commission (Amendment) Bill, 1964.

The Indian Medical Council (Amendment) Bill, 1964.

The Dakshina Bharat Hindi Prachar Sabha Bill, 1963 as passed by Rajya Sabha.

The Industrial Development Bank of India Bill, 1964.

The Indian Coinage (Amendment) Bill, 1964.

The Coir Industry (Amendment) Bill, 1963.

The Indian Railways (Amendment) Bill, 1964, as passed by Rajya Sabha.

श्री बागड़ी (हिसार) : अध्यक्ष महोदय, वह रिश्वत और भ्रष्टाचार का सवाल रह गया. . . .

अध्यक्ष महोदय : आप बैठिए, अभी बुलाता हूं ।

Shri S. M. Banerjee (Kanpur): I would like to mention—and here I may point out that last week also I mentioned it when the Minister of Parliatary Affairs announced the business for the next week—that we should have a discussion on Kashmir, specially the position obtaining after the release of Sheikh Abdullah. I would like to know from you, Sir, whether it has been admitted and, if so, when a discussion is likely to take place. Since Sheikh Abdullah is coming to Delhi on the 29th, I would suggest, rather request you, Sir, the Prime Minister and the House that we should have an opportunity to discuss this issue threadbare so that our unanimous views are known to Sheikh Abdullah and those who are his supporters, who are trying to sabotage our effort to have a peaceful settlement in Kashmir. I would like to know whether a discussion is likely to come up this session or not.

The Prime Minister, Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): I do not know which motion he is referring to. Anyhow, I do not see any advantage of discussing it before Sheikh Abdullah comes here. In fact, I think it will be definitely disadvantageous . . . (*Interruptions*).

Mr. Speaker: Order, order.

Shri S. M. Banerjee: Are we having a discussion or not?

Mr. Speaker: No, not before Sheikh Abdullah has seen the Prime Minister.

Shri S. M. Banerjee: After that?

Mr. Speaker: That we will see.

Shri S. M. Banerjee: Will it be during this session?

Mr. Speaker: We cannot say just now.

Shri Hem Barua (Gauhati): Are we to understand that the discussion is going to take place after Sheikh Abdullah sees the Prime Minister?

Mr. Speaker: I cannot say that; I only said "not before that".

श्री बागड़ी : जो रिश्वत और भ्रष्टाचार के बारे में बहस थी वह पिछले अधिवेशन में बीच में रह गयी थी और सरकार ने विश्वास दिलाया था कि अगले अधिवेशन में उसको लिया जायेगा । दूसरी बात यह है कि पिछड़ी जातियों के कमीशन के बारे में भी बार बार सरकार यह विश्वास दिलाती है कि इस दफा इसको लेंगे, इस दफा इस को लेंगे, लेकिन उसको टाल दिया जाता है । मेरा निवेदन है कि इन दोनों को इस दफा लिया जाये ।

श्री सत्य नारायण सिंह : इस सेशन के लिए जो आइटम बिजनेस के थे वे बिजनेस एडवाइजरी कमेटी के सामने रख दिये गये थे । यह सेशन ६ मई तक बढ़ाया गया है । इस बीच इन चीजों को लेने के लिए कोई समय नहीं है ।

Shri Harish Chandra Mathur (Jalore): The hon. Minister of Parliamentary Affairs has announced Government business for following week and it is in reference to that that I would like to ask a question. What has happened to the Press Council Bill, which was introduced in Rajya Sabha? We thought that it would be taken up this session. On this matter there is complete stalemate for a very long ime.

Shri Satya Narayan Sinha: Since the Rajya Sabha has not taken it up, the question does not arise.

Shri Harish Chandra Mathur: But what is the position? When does he

expect the Bill to come up before the House. Since he happens to be the Minister of Parliamentary Affairs as well as the Minister of Information and Broadcasting, I would like to know what the programme is in respect of the Press Council Bill. Does he hope that it will be passed by the Rajya Sabha and taken up by this House during this session? If not, why not?

Shri Satya Narayan Sinha: It is not likely. Definitely there is no chance of that Bill being taken up in the Rajya Sabha, what to speak of the Lok Sabha, so far as this session is concerned.

Shri Hari Vishnu Kamath (Hoshangabad): Sir, may I invite your attention and the attention of the House, including the Minister, to Bulletin Part I dated the 10th of February, that is, the beginning of the budget session which lists 31 Bills—both pending and new, altogether—and then it is said that the list is not exhaustive —in the usual style of putting it "not to be taken as exhaustive". May I know from the Minister whether Parliament and the Government have come to this sorry pass that session after session, year after year, this sort of thing goes on and Parliament is now compelled to live from session to session with this planned planlessness of Government business?

श्री ओंकारलाल बेरवा (कोटा) : मैं यह जानना चाहता हूं कि शिड्यूल्ड कास्ट और शिड्यूल्ड ट्राइब्स के बारे में डिसकशन क्यों नहीं लिया जाता । तीन साल से उसको टाला जा रहा है । पहले कह दिया कि मिनिस्टर साहब की तबियत खराब है . . . .

अध्यक्ष महोदय : उसका जवाब तो दे दिया गया कि उन्होंने ६ मई तक बैठने का फैसला किया है, पर इस दौरान इस को नहीं लिया जा सकेगा ।

श्री ओंकारलाल बेरवा : क्या इसे अगले सेशन में ले लिया जायेगा ?

अध्यक्ष महोदय : अगले सेशन के बारे में अभी कुछ नहीं कहा जा सकता । वह कहते हैं कि कोशिश करेंगे ।

Shri Daji (Indore): When the Deputy Minister of Labour laid on the Table of the House a copy of the report of the Bonus Commission, several Members asked about the decision of Government thereon and we were told that the decision would be taken in a few days and placed in the Table of the House so that Members will have an opportunity to discuss it, I am surprised to find that there is no mention of that in the statement of Government business for following week. As several hundreds of workers are agiated about the decision of the Bonus Commission, I would like to know why we are not given an opportunity to discuss it so that we will at least get acquainted with the decision of government thereon. Or, will it also be postponed to the next session?

Shrimati Renu Chakravartty (Barrackpore): What about the report of the Mahalanobis Committee on which an assurance was given that it would be laid on the Table of the House within a month? It was a promise to the House.

Shri Jawaharlal Nehru: That report will be laid before the House before this session; certainly.

Shri Hari Vishnu Kamath: May I request the Minister through you to answer my question about Governments' planned planlessness? What answer has he?

Mr. Speaker: What answer can he give?

Shri Hari Vishnu Kamath: Let us see what he has to say. Would you kindly ask him to plan Government business better in future?

Mr. Speaker: That is all.

Shri Hari Vishnu Kamath: He does not say even that. Let him say that. This is Parliament and it should be treated with the usual courtesy.

Mr. Speaker: Hon. Members will realise that we have decided to sit only up to 6th of May. We have also settled that within that time we will take up as many Bills as we can possibly finish. Therefore, there is no scope for any other business being taken up during this session.

Shri Hari Vishnu Kamath: May I submit in all humility that the Minister knew very well on the 10th of February that the Finance Bill will be passed on the 21st of April and after that there will be very few days left. Then, why did he give such a long list of Bills? What was his objective? Just to mislead the House?

Mr. Speaker: I do not think that observation requires any answer.

Shri Hari Vishnu Kamath: Will you kindly request the Minister of Parliamentary Affairs not to treat Parliament in this manner?

Mr. Speaker: He has made his observation and his comment. Now he should sit down.

Shri Hari Vishnu Kamath: I am only enquiring whether it is a fact that other Ministers are not co-operating with him?

Mr. Speaker: What is the point in asking that question about co-operation by other Ministers?

Shri Hari Vishnu Kamath: That is the real crux of the problem.

Mr. Speaker: Order, order. He can draw his inferences.

Shri Hari Vishnu Kamath: It is a matter of fact. It is no insinuation.

Mr. Speaker: Who said 'insinuation'?

Shri Hari Vishnu Kamath: I am sorry, Sir. I thought you said "insinuation".

Mr. Speaker: Bills to be introduced. Shri T. T. Krishnamachari. (*Interruption*).

श्री प्रकाशवीर शास्त्री (बिजनौर) : अध्यक्ष महोदय, मैं कोई नई बात नहीं कहना चाहता, मैं केवल इतना चाहता था कि संसद्-कार्य मंत्री से इतना कहलवा दिया जाय कि २६ तारीख़ के बाद किसी दिन इसी सेशन में निश्चित रूप से जम्मू कश्मीर की स्थिति पर विचार किया जायगा और यह चीज़ महज़ एक सम्भावना और आश्वासन पर ही न रहे ।

अध्यक्ष महोदय : क्या टौक्स होती हैं, क्या परिस्थिति होती है, आप देखें और उसके बाद अगर हाउस की मरज़ी होगी तो गवर्नमेंट उसके लिए तैयार हो जायेगी ।

श्री प्रकाशवीर शास्त्री : एक आदमी बेलगाम होकर अय्यूब और भुट्टो की भाषा में बोल रहा है फिर भी आप कहते हैं कि ऐसी स्थिति नहीं बन पाई है ?

अध्यक्ष महोदय : वह अलहदा सवाल है ।

Shri Daji: What is the reply to my question?

Mr. Speaker: I have given the reply that we can only take up the business that we have declared here. Whatever is possible will be taken up upto the 6th.

Shrimati Renu Chakravartty: This House should know what is the Government's reaction and decision with regard to the Bonus Commission Report. That is all. It is not a question of a discussion.

Shri Satya Narayan Sinha: As I have explained to the House, so far as the present session is concerned, we can take no other business. About the Bonus Commission Report also we are not going to discuss it. Of course, in the next session . . .

Shri Daji: What about the Government's decision with regard to that Report?

Shri D. C. Sharma (Gurdaspur): We used to have No-Date-Yet-Named Motions. We did not have in this session and in the last session also, there were no such motions.

Mr. Speaker: They would remain as No-Date-Yet-Named motions. About the Bonus Commission's Report, they want to know whether the reaction of the Government, the decision of the Government would be known to the House before it adjourns.

Shri Jawaharlal Nehru: The reaction of the Government cannot be described as a 'Yes' or a 'No'. It is a complicated reaction. I cannot go into that.

Shri Nambiar (Tiruchirapalli): Whatever it is, that may be indicated to the House.

Shri Jawaharlal Nehru: What it is, it cannot be stated in answer to a question like this. (*Interruptions*).

Mr. Speaker: Order, order. We cannot proceed in this manner. They only want to know whether the Government is likely to take a decision on that before the session adjourns and whether that would be laid on the Table of the House before it adjourns.

Shri Nambiar: Exactly that is what we want to know.

Shri Jawaharlal Nehru: I shall convey it to the Ministry concerned, that is, the Finance Ministry. I do not quite know what their programme is in that respect.

Mr. Speaker: Bills to be introduced.

Shri Hem Barua: May I seek a clarification. There is a Half-an-Hour Discussion mentioned in the agenda today standing in my name regarding Indian Ambassador in U.A.R. I want to know when it is proposed to be taken up. I do not know it. Time is not indicated. I want to know at what time it will be taken up.

Mr. Speaker: I will indicate it. I will look into it. Bills to be introduced.

12.14 hrs.

APPROPRIATION (No. 3) BILL* 1964

The Deputy Minister in the Ministry of Finance (Shrimati Tarkeshwari Sinha): On behalf of Shri T. T. Krishnamachari, I beg to move for leave to introduce a Bill to provide for the authorisation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1962, in excess of the amounts granted for those services and for that year.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1962, in excess of the amounts granted for those services and for that year."

The motion was adopted.

Shrimati Tarkeshwari Sinha: I introduce† the Bill.

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*Published in Gazette of India—Part II, Section 2, dated 25th April, 1964.

†Introduced with recommendation of the President.

12.15 hrs.

OIL AND NATURAL GAS COMMISSION (AMENDMENT) BILL*

The Minister of Petroleum and Chemicals (Shri Humayun Kabir): I move for leave to introduce a Bill further to amend the Oil and Natural Gas Commission Act, 1959.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Oil and Natural Gas Commission Act, 1959.'

The motion was adopted.

Shri Humayun Kabir: I introduce the Bill.

12:15½ hrs.

INDIAN MEDICAL COUNCIL (AMENDMENT) BILL*

The Deputy Minister in the Ministry of Health (Dr. D. S. Raju): On behalf of Dr. Sushila Nayar, I beg to move for leave to introduce a Bill further to amend the Indian Medical Council Act 1956.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Medical Council Act 1956."

The motion was adopted.

Dr. D. S. Raju: I introduce the Bill.

RE. HALF-AN-HOUR DISCUSSION

Mr. Speaker: Now what is it that Mr. Hem Barua wants?

Shri Hem Barua: There is a Half-An-Hour Discussion mentioned on the Order Paper standing in by name regarding Indian Ambassador in Cairo. The time is not indicated. Will it be taken at 5 O'clock or 5.30 p.m. of 6 O'clock? I should know it.

Mr. Speaker: I thought it was very clear that it will be taken at 5 O'clock There is no other time. Unless the business that is put down on the list is finished earlier, it will be at 5 O'clock.

12.17 hrs.

ADVOCATES (AMENDMENT) BILL, 1964—*Contd.*

Clause 13—(*Amendment of section 24*)—*Contd.*

Mr. Speaker: Shrimati Renu Chakravartty may continue her speech.

Shrimati Renu Chakravartty (Barrackpore): Mr. Speaker, Sir, I was speaking about clause 13 of the amending Bill. Here I shall quote the statement of Sir Trevors Harris under whose chairmanship there was the Judicial Reforms Committee of 1952. There he has said regarding Muktears that:

> "It appears to us that possession of law degree is not absolutely necessary for the work Muktear is ordinarily called upon to perform. At present we are satisfied that the Muktears fulfil a very needful function and we think that there can be no doubt that what a Muktear does at present adequately fulfil the function of the poor men's lawyers."

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*Published in Gazette of India—Part II, Section 2, dated 25th April, 1964.

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This is exactly the role which they have been playing in the subordinate courts right upto the High Courts. Actually, in our State, they were not originally permitted to practise in the courts of Presidency Magistrate and Income-Tax Offices. Now they are permitted to practise in both these courts and they are also permitted to practise in any Revenue Court and Office before the Board of Revenue. As a matter of fact, these eminent people who were not law graduates became some of the leading luminaries of the judicial world. We remember the famous case of Shri Motilal Nehru himself who was not a law graduate at all. We also remember the case of Shri T. R. Venkatarama Sastri who was only a vakil but he had to be enrolled as an advocate. It is a very good thing that at least in the amending Bill this clause has been amended and the Muktears have been included. There is adequate reason for it. I do not know why they should have been left out being a substantial part of the judicial world in the parts of the eastern region of the country. Further more, the Muktears' Examination has been made much stiffer now. After matriculation, one can take it and they have to obtain 60 per cent marks for all the courses which they have. They are now being included and I say it is a good step taken.

There are certain other points which I should like to mention. Since the passing of the Advocates Act, 1961, all the L.Bs were exempted for 1½ years training which was stipulated, after the examination, in our courts. They were given an opportunity to be enrolled as advocates immediately after passing the L. B. examination and this was necessary because the Bar Council had not been able to make the arrangements for the framing of the rules and regulations and for providing training and all that. No syllabus for examination has even now been made. Even the rules framed are incomplete and conflicting. Under this clause 13, sub-section (b) in clause (d) it is stated:

"(i) the words 'after such training' shall be omitted."

I want to know whether this actually means that those who have passed the L. B. examination will be permitted to get exemption from the purview of this intervening period before they can be actually enrolled as advocates and whether this will also be permitted to those who have passed the examination last year. The position is that the same conditions prevail as they prevailed earlier. The Bar Councils have not been able to make arrangements for their training and this period of 1½ years will be a waste for them and it is necessary that this amending Bill should cover this class of people who have become L.L.B. and whose period of 1½ years training has not been provided for adequately by the Bar Council. This exemption should also be given to those who passed the law examination last year.

Now, I would also like to join my voice with those of my hon. friends have spoken earlier, that relief should be given for the law students who pass in 1964, so that they may also be included within the scope of this amending Bill. Most of the examinations are held in April, and the results are not out before June or July. There are no curricula for the examinations as yet set out under this Act. I think that that will be done under the rules. I would submit that those who are actually sitting for the examination or are studying now should not be penalised because of this amending Bill. Generally, they are the children of middle class or lower middle class families, those who are struggling, and who want to be able to start earning as soon as possible so that they may carry the burden alongside with their parents, and it would be difficult for them to wait for one and a half years to start earning their livelihood. Therefore, at the most, I would request the hon. Minister to allow those who have passed the

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examination last year to get this exemption, and also, if possible, reduce this period, because, I am told by most law graduates, and I am sure that my hon. friend Shri N. C. Chatterjee will bear me out on this point, that this long period of one and a half years' training may not be quite absolutely necessary at the moment because of the lack of arrangements and also because of the fact that the standards are good enough for them to be able to start earning their livelihood earlier.

Under the present rules of the Bar Council, I am afraid, the training, according to most of the law graduates in the judicial world, cannot be considered to be usefully utilised, and it is because of this that we would like the period to be reduced, and the exemption shou'd be there for those who had passed the examination last year, that is, in 1963.

With these words, I welcome the proposed amendment.

Shri N. C. Chatterjee (Burdwan): I ought to tell the House that the Attorney-General who is the president of the Bar Council of India and the Additional Solicitor-General of India, who is the chairman of the Delhi State Bar Council have requested me to inform you and the House and it is absolutely essential to pass this Bill as it has been drawn up, because it is vital for ending the deadlock which has been created, and especially it has worked great hardship on some people. I think that that deadlock has been created through no fault of anybody but because the Bar Councils could not be constituted in proper time and they could not frame the curricula, they could not frame proper rules for training, and they could not make arrangements for examinations and so on. The result has been very peculiar. Possibly, many Members of the House do not know that hundreds of boys went from Delhi and from other States to Bangalore for the purpose of getting enrolment there. It was very peculiar that in Bangalore, one who has passed the law examination and got a law degree could enrol himself as a pleader, and immediately, the next day, on payment of Rs. 500, he could be enrolled as an advocate of that court, and thereafter he could practise in any court in India.

The result has been that 750 people have applied, and 250 have already been enrolled in Bangalore, and the Bangalore Bar Council has got Rs. 1·25 lakhs from people from Delhi and from other parts of India. Out of that, half has gone to the Mysore State, and the other half has gone into the Bar Council's pocket. It is very peculiar. This has arisen only because of this peculiar thing that in Delhi unless a person gets his training and passes some examination, he cannot be on the rolls. Therefore, the boys from here had to go to Bangalore. Fortunately, that onrush has been stopped. Over 500 applications have been pending, but they are now mostly being withdrawn, having regard to this Bill.

It is a very unfair situation. And the Attorney-General asked me to inform the House that this kind of deadlock should not be permitted and this kind of unfair arrangement should not be tolerated that people will have to migrate hundreds of miles for the purpose of getting only a *sanad* as a pleader and the next day a *sanad* as an advocate and then come back to their respective States.

Thereore, I am supporting this clause 13. I think that on both points, it is good. The first thing is that there has been an unfortunate omission of making some peop'e qualified to be enrolled as advocates, and that has been remedied by the new sub-section (3). Sub-section (3) (a) reads:

"(a) before the 31st day of March, 1964, has, for at least

three years, been a vakil or a pleader or a mukhtar, or was entitled at any time to be enrolled under any law then in force as an advocate of a High Court (including a High Court of a former Part B State) or of a Court of Judicial Commisisoner in any Union Territory;".

I think that this is a fair provision, and we should allow these mukhtars and pleaders of three years' standing to come in on the roll of advocates.

Shrimati Renu Chakravartty referred to some big names, to some persons who had become legal luminaries without having a law degree. I may remind this House—and possibly you might remember that name—of the great Chandra Madhav Ghose who became the Chief Justice of the Calcutta High Court, who had no law degree. He had only passed his first arts examination which was then in vogue.

I was a member of the Trevor Harris Committee, and Dr. B. C. Roy had requested me to serve on that committee. I was satisfied as a member of that committee that it would be very unfair to exclude these persons. Particularly, I remember that in East Bengal, whenever I travelled in that part of the country, the biggest criminal practice was not in the hands of pleaders or advocates, but the biggest practice in the criminal courts was actually monopolised by the mukhtars. If you had gone to Dacca or Mymensingh you would have found that the mukhtars' Bar was more prosperous than the advocates' or the pleaders' bar. They were very capable men who actually did their work well and maintained the standards of professional integrity, and who were very capable men. It was very unfair that you had stopped the mukhtars' examination and you were not allowing them to come on the rolls. I think that the hon. Minister is perfectly justified in saying that every pleader or mukhtar of three years' standing should come in on the rolls.

Then, sub-section (3) (b) provides that any one who before the 15th day of August, 1947, has been an advocate of any High Court in any area which was comprised within India as defined in the Government of India Act, 1935—I take it that this reference is to the Chief Court of Sind—would be entitled to be enrolled as an advocate. Again, sub-section (3) (c) provides that any person who before the 1st day of April, 1937 has been an advocate of any High Court in any area which was comprised within Burma as defined in the Government of India Act, 1935.—this refers to the advocates of the Rangoon High Court—would also be entitled to be enrolled as an advocate. I think that we should allow them also.

The most important thing is the proposed clause (d) of sub-section (1) of section 24 of the principal Act. It has been provided in the Bill:

"(ii) in the proviso, for paragraph (i), the following paragraph shall be substituted, namely:—

'(i) a person who has obtained a degree in law from any University in India on the results of an examination held before the 31st day of March, 1964 or such other later date as may be prescribed, or a barrister who was called to the Bar before such date, or a barrister who, having qualified after that date, has received such practical training in law as may be recognised in this behalf by the Bar Council of India;'.".

The Advocates Act was passed in 1961, and it has been twice amended after that; it was once amended in 1962, and again it was amended in 1962. This is the third amendment which we are making, and this is the

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fourth time that this measure has come up before the House. First of all, 31st March, 1962 was the ultimate date. Then, that date was changed to 31st March, 1963. Now, we are changing it to 31st March, 1964, and we are doing that on a proper ground, because it is very unfair and hard on many people who have qualified but who could not be enrolled because there is no arrangement made for training. You can take it from me that in the Union Territory of Delhi, as yet, no arrangement has been made for training, and no arrangement has been made for examination, and therefore, they canot be qualified by training and examination, and they will waste a couple of years of their life, which is not fair. I think the hon. Minister is perfectly justified in saying that that date should be extended to 31st March, 1964.

I think my hon. friend Shrimati Renu Chakravartty is also right on this point. I was an examiner of the Delhi University for some years, and I have ascertained today from some students and from some lecturers of the Delhi University that so far as the University of Delhi is concerned, the examination will be held in the month of April, and so also in the Allahabad University, the Madras University, the Agra University and the Lucknow University. Thereore, it will not be fair to extend the date to 31st March, 1964 and to stop there, because that will not be doing justice to all the examinees of these five or six universities. I have not got a complete catalogue with me, but I know that the examinees of the Delhi, Allahabad, Lucknow, Madras and Agra universities will not come within the scope of this Bill.

Shri Daji (Indore): There are many other universities also where such is the case.

Shri N. C. Chatterjee: Therefore, the Minister is justified in putting 'or such other date as may be prescribed.'

The Attorney General was telling me that if you put in such a clause, it may create difficulties because there will be an incentive not to undergo training, not to under go examination. I do not think the Bar Council would be so insensible to their obligations. I take it they will frame rules and they will fit in with the main objective of this clause.

I therefore think that on both grounds we should support it. We should support the inclusion of the advocates of the Rangoon High Court, advocates of the Chief Courts and also the vakils, pleaders and attorneys for which provision has been made; at the same time, extend this ultimate date from 31st March 1963 to 31st March 1964. At the same time, I am satisfied that provision should be made also by rule-making powers to extend the date further so that no unfair discrimination should be made between the students of different universities. Otherwise, they will suffer for no fault of their own. I only hope that the training and examination system should be completed and that the Bar Council should make it their business to do that, instead of fighting elections. I am sorry in these Bar Councils there has been a lot of undesirable things coming in. I am very sorry to say that even senior members of the Bar Council are fighting cases under article 226 in the High Courts and threatening to come up before the Supreme Court also. Instead of dissipating their energies over these election cases in connection with the Bar Councils, it will be much better that they should concentrate their attention and devote their time to framing proper rules, prescribing the curriculum, have proper standards for examinations and also make arrangements for training and for proper gui-

dance to be given to the junior members of the Bar.

Now that we have taken away completely the power of the High Court with regard to disciplinary matters and tried to make a self-contained autonomous Bar, it is important that the Bar Council should behave and realise their responsibilities and perform their duties having regard to the obligations which we have placed on them through this Act.

श्री द्वारका दास मंत्री (भीर) : अध्यक्ष महोदय, क्लाज १३ का स्वागत करते हुए, इस में कुछ चीजें मैं अपनी ओर से रखना चाहता हूं ।

अध्यक्ष महोदय : क्या आप अपने संशोधन मूव कर रहे हैं ?

श्री द्वारका दास मंत्री : मैं मूव कर रहा हूं :

(i) Page 5,—

omit lines 13 to 16 (1).

(ii) Page 5, lines 28 and 29,—

after "mukhtar", *insert*—

"(whether he may be a law graduate of any recognised University or otherwise)" (2)

इसमें प्लीडर, मुख्तार और वकील को सम्मिलित कर लिया गया है । लेकिन पार्ट बी० स्टेट्स में ऐसे भी कई लोग आप को मिलेंगे जो ला ग्रेजुएट्स नहीं थे लेकिन फिर भी जो प्रेक्टिस कर रहे थे । उनको इस सुविधा से वंचित रखना ठीक नहीं है । ला ग्रेजुएट्स हों या न हों, जिस हद तक मुख्तार, प्लीडर और वकील एलीजीबल रहेंगे एडवोकेट बनने के लिए, उस हद तक इनके बारे में भी कुछ वड्स एड करने की आवश्यकता है ।

दूसरी बात यह है कि ३१ मार्च, १९६४ तक जो परीक्षा में बैठेगा उस को एग्जैम्पशन दे दी गई है । जैसा कि दूसरे वक्ताओं ने कहा है यह तारीख कोई उचित मालूम नहीं देती है क्योंकि और यूनिवर्स्टीज में इसके बाद भी परीक्षायें होती हैं । इस वास्ते इस तारीख को कुछ आगे बढ़ाने की आवश्यकता है ।

तीसरी बात यह है कि बैरिस्टर्ज और ला ग्रेजुएट्स में कुछ फर्क किया जा रहा है । इस में मैंने चाहा है कि पेज ५ पर १३ से १६ लाइनें ओमिट कर दी जायें । ये लाइनें हैं :

—has received such practical training in law as may be recognised in this behalf by the Bar Council of India,";

यह कहा गया है कि ला ग्रेजुएट्स के लिए रूल्ज अलग बनाने का अधिकार स्टेट काउंसिल्ज को दिया गया है । किन्तु बैरिस्टर्ज को इस में इनक्लयूड नहीं किया जा रहा है और इस तरह से बैरिस्टर और ला ग्रेजुएट में फर्क किया जा रहा है । यह नहीं होना चाहिए । दोनों के साथ एक सा सलूक होना चाहिये । इस वास्ते तीन चार लाइनें जो बैरिस्टर और ला ग्रेजुएट में फर्क कर रही हैं, इनको निकाल दिया जाना चाहिये ।

Shri G. N. Dixit (Etawah): I have a very limited point to make relating to (A) (b) (ii) (i) which reads:

"a person who has obtained a degree in law from any University in India on the results of an examination held before the 31st day of March 1964 or such other date as may be prescribed."

I have not been able to follow how this date '31st day of March 1964' has been arrived at because many universities which I know of conduct their law examinations in April or the early part of May. In all UP universities that is so. I am told in Maharashtra

[Shri G. N. Dixit]

and Mysore Universities,—and the Deputy Minister has himself said that in Orissa the same is the position,—this position obtains. It may be the same in other universities also. Examinations are held after 31st March 1964. Therefore, it would have been better if provision could have been made to cover that circumstance because that would have been universal and there would have been equal opportunities to everybody.

There is an alternative. Either it could be put as the term 1963-64 or the auspicious date of 15th August 1964 could have been put. 31st March 1964, may relate to the financial year, but it has nothing to do so far as the examination is concerned. I do not agree with Shri Chatterjee that the other clause 'or such other later date as may be prescribed' is sufficient, because after delegated legislation or the rule-making power is given for future contingencies. But the Law Ministry should take cognisance of facts as they are today. We are passing a law which will represent the collective knowledge and wisdom of this House. If the House knows beforehand that in so many universities, examinations take place after the 31st March—Members represent those constitutencies; the House knows that the examinations take place after the 31st March, that half of the students in the country sit in examination after that date—if we enact a law simply on a theoretical basis and afterwards pass a rule saying that the last date will be such and such, there will be representations from several universities. I think that will not be a proper enactment of law.

Therefore, I appeal to you and through you to the House and the Government. Let Government bring in an amendment saying that instead of 31st March 1964, it shall be 15th August 1964 or the term 1963-64. Otherwise, article 14 is offended, because you are giving benefit to half the students in the country and denying it to the other half. You expect those students to waste money, run to Delhi and approach you for the rule-making power to be exercised giving the facility to Lucknow University, Allahabad University, Agra University—in UP no student is going to benefit by this clause—and so on. That is not proper. So let my suggestion be accepted.

Shri S. S. More (Poona): I want to make a few observations. In my State, both in Bombay University and in Maharashtra University, examinations are held in March or April and the degree is not obtained till June or July. According to the present provision, all these students will be debarred and they will have to undergo a course of training which has not yet been prescribed. Of course, I do recognise that there is power given to Government to fix such other later date as may be prescribed. Till then, the presumption should be that the young students will have to undergo a period of suspense. In such matters suspense will be more than torture.

So I would join my voice with that of my hon. friend who preceded me and say that we should fix a later date, so that all those students who are affected will feel that their interests will be safeguarded.

There is another thing.

On page 7 of the Bill, it says:

"Where a State Bar Council is unable to perform its functions for any reason whatsoever, the Bar Council of India may, without prejudice to the generality of the foregoing power, give such directions to the *ex officio* member thereof as may appear to it to be

necessary, and such directions shall have effect, notwithstanding anything contained in the rules made by the State Bar Council."

My submission is that in such a contingency the proper course would be to reconstitute the whole bar council. Why should there be this kind of a provision here? In our Constitution if there is a failure of Constitution in any State, the President takes charge of the particular State. The same principle should be applied here. The whole bar council should be reconstituted. This is an indivious distinction which ought to be removed as early as possible.

The Deputy Minister in the Ministry of Law (Shri Bibudhendra Misra): Mr. Speaker, most of the speakers expressed concern about the students passing after March 1963. They urge that the date should be extended beyond March 1963. To what date? There is no concrete suggestion. There has been a misapprehension on this point. When the Advocates Act was passed, Parliament in its wisdom decided that an advocate must have practical training to be decided by the Bar Council of India in order to be able to properly discharge his duties—(*Interruptions.*) You can ask the Bar Council of India. If a deadline was fixed and if some persons who pass law examinations were allowed to be enrolled as advocates without that training, it is only because the Bar council would take sometime to be constituted and to frame rules. Till the rules are framed what would happen to the law graduates who come out of the university? That is why a deadline was fixed and from time to time this date has been extended, I think, three times for the simple reason that bar council could not frame the rules. It is not based on any examination conducted in any part of India that a date was fixed. Some universities may have their examination in April. If you extend the date to cover their cases, what is to happen to those who come from universities which hold their examination in May or June or in August? This process would go on and the policy that we have accepted in Parliament, namely, advocates should have some training, would be set at naught. Once you extend the time, there may be a representation from some other university. It is not on the basis of any examination being conducted in any particular month in any university that this deadline has been fixed. It has been fixed to enable the bar councils to frame necessary rules to impart proper training. Whatever the deadline fixed, some people will be affected. Besides, if some law graduates come out of the universities in April or May or June and if by that time the rules are not ready in some state bar councils, there is the power given to cover their cases also. Mr. Chatterjee has answered this point. He said he would also suggest extension of the date because the power is there. There is hardly any forum where his voice is not heard. If the rules are not framed by May or June or July and if law graduates come out of university in the meanwhile, I am sure he will pull his weight and see that something is done and the date is extended. Mrs. Chakravartty spoke of those who passed in 1962 or 1963. That point hardly arises because all those people who had passed before March 1963 need not have any training. They are exempted; they can get themselves enrolled automatically without any special exemption. Mr. Banerjee—he is not here now—said yesterday: we do not know what the rules are and the Deputy Minister should give us an idea. It is unfair to me. Rules have not been made; the rule making power has been given. If the rules are not yet framed it is not possible for me to give any idea.

About amendment No. 2 "whether he may be a law graduate of any recognised University or otherwise", it is not necessary at all. If you look at section 24 (c) there is a provision that

[Shri Bibudhendra Misra]

he must have obtained a degree in law. If you look at the amending Bill on page 6, it reads: "fulfils the conditions specified in clauses (a), (b), (e) and (f) of sub-section (1)". So, (c) is not mentioned here. Therefore, he need not be a law graduate; this amendment is unnecessary.

It is said that the barristers are put in a different category other than the law graduates who pass out of Indian universities. I would only say this. If you look at the Act itself, barristers were put in a different category. Formerly, the position was that the barrister must have a practical training for one year in England. That was the distinction in the original Act. Now, it has been found difficult because of the foreign exchange position and other difficulties. The Indian students who go out find it very difficult to be in England or one year after the completion of the course. To bring them to the same level, they can have some training after they come back to India. That is the provision that is made. There is no case of discrimination. An attempt has been made to bring the two classes as close to each other as possible.

Shri D. D. Mantri: Sir, I beg to withdraw my amendments.

Mr. Deputy-Speaker: Has the hon. Member leave of the House to withdraw his amendments?

Amendments No. 1 and 2 were, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

"That Clause 13 stand part of the Bill."

The motion was adopted.

Clause 13 was added to the Bill.

Clauses 14 to 25, Clause 1, Enacting Formula and Title were added to the Bill.

Shri Bibudhendra Misra: Sir, I move:

"That the Bill be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill be passed".

The motion was adopted.

12.50 hrs.

GOA, DAMAN AND DIU JUDICIAL COMMISSIONER'S COURT (DECLARATION AS HIGH COURT) BILL

The Minister of State in the Ministry of External Affairs (Shrimati Lakshmi Menon): Mr. Speaker, Sir, I beg to move:

"That the Bill to declare the Judicial Commissioner's Court for Goa, Daman and Diu to be a High Court for certain purposes of the Constitution, be taken into consideration."

The House is aware that a provision was made under section 7 of the Goa Daman and Diu (Administration) Act, 1962 for the extension of the jurisdiction of the High Court at Bombay over the courts of the Union territory from such date as the Central Government may by a notification specify. But before a date for this purpose could be notified, a court of Judicial Commissioner was constituted on 18th December, 1963 for the Union territory of Goa, Daman and Diu, under the Goa, Daman and Diu (Judicial Commissioner's Court) Regulation, 1963. This court is the highest Court of Appeal replacing the then existing Court of Appeal (Tribunal de Relacao) in that territory.

Article 241 (1) of the Constitution provides that Parliament may by law declare any court in a Union territory to be a High Court for all or any of the purposes of the Constitution. In

the absence of such a declaration, the Judicial Commissioner's Court will not be competent to exercise the powers of a High Court and no appeals from its judgments will lie to the Supreme Court. The Bill, therefore, seeks to declare the Judicial Commissioner's Court for Goa, Daman and Diu to be a High Court for certain purposes and to apply thereto provisions of Chapter V of Part VI of the Constitution with certain exceptions and modifications.

In this Bill, provision has also been made for appeals to the Supreme Court against judgments, decrees and orders of the Tribunal de Relacao in respect of the following:

(a) passed before 20th December, 1961 in respect of which appeals lay to the superior courts in Portugal, and

(b) passed on or after 20th December, 1961 in respect of which appeals could not be preferred in the absence of necessary provisions.

By constituting the Judicial Commissioner's Court, the provisions of section 7 of the Goa, Daman and Diu (Administration) Act, 1962, enabling the Central Government to extend the jurisdiction of the High Court at Bombay to the Union territory of Goa, Daman and Diu has become superfluous. Section 7 of the said Act is, therefore, being repealed.

On the whole, the Bill is intended to confer on the Judicial Commissioner's Court in Goa, Daman and Diu certain functions of a High Court as in those of other Union territories.

Sir, I move.

Mr. Speaker: Motion moved:

> "That the Bill to declare the Judicial Commissioner's Court for Goa, Daman and Diu to be a High Court for certain purposes of the Constitution, be taken into consideration."

Shri Daji (Indore): Mr. Speaker, Sir, I rise to speak on this Bill not in terms of which it stands but in the larger context of the policy behind this Bill, the policy of constituting and continuing with courts of judicial commissioners. It is from this point of view that I say that this Bill embodies a policy which is a retrograde one. We are reducing the citizens of Goa, Daman and Diu—and I venture to say that it is now an open secret that the same scheme is going to be extended to Pondicherry also—and of Pondicherry into citizens of C class, or C class citizens. That is the scheme behind this Bill.

We have had the experience both administratively and as lawyers working in the judicial commissioners' courts in the erstwhile Part C States, and therefore we know very well how they functioned. Knowing how they functioned, and knowing what a mockery it was—a poor copy of the high court— I make bold to say that you are actually taking away the valued rights of the people of Goa, Daman and Diu, and in the scheme of things, of the people of Pondicherry, who are entitled, as Indian citizens, having merged their territories with India, to the benefit which accrues from an independent judiciary which is embodied in the Constitution in terms of the high courts.

Whenever occasion arises, our Law Minister is over zealous about it and is loundly prefessing his support for the independence of the judiciary, that our judiciary should not be tampered in anyway whatsoever, and he sometimes waxes eloquent to an extent that is more than necessary. In this particular case, his professions are being put to the test. When the professions are being put to the test, I do not regard his professions to be of an individual lawyer but of a spokesman of the Government; the Government cannot run away with it. After all, Goa, Daman and Diu as well as Pondicherry are likely to become and indeed are bound to become, if not today but tomorrow,

[Shri Daji]

merged in the neighbouring territories of Maharashtra and Madras respectively, and the logic of history is going to take that course. You cannot gainsay that; in the very recent elections the people of Goa raised this issue straight—not as a side—issue—namely, the merger with Maharashtra, and they have given a considered verdict in favour of the merger.

Shri Hari Vishnu Kamath: (Hoshangabad): Sir, I am sure you will agree that my hon. friend Shri Daji must have a quorum when he is speaking.

Mr. Speaker: All right; the bell is being rung—Now, there is quorum. The hon. Member may continue.

Shri Daji: I was submitting that the people of Goa in the recent elections have given a considered verdict that they want merger with Maharashtra. It is a verdict which is an eye-opener, which cannot be denied or side-tracked. It is a considered verdict, because that was the specific issue raised in the elections there, and it is such a thumping verdict where the Congress party, the party in power, has been completely swept down. If anyone wants to reverse the course of history in a blind-folded manner even after this clear and distinct verdict of the people of Goa, I would only say what King Canute did; he ordered the waves of the sea to go back and in that process got his own chair swept away by the ocean. If that is the context in which we are considering this Bill, how can we justify the setting up of separate judicial commissioner's court for Goa, and what would be wrong if the jurisdiction of the Bombay High Court is extended to the territory of Goa? Even conceding what the Prime Minister says—I know that the Prime Minister is rather touchy about this question of the merger of Goa with Maharashtra which he says cannot be considered just now—the Constitution has conferred sufficient powers on us to extend the jurisdiction of the high court to another union territory. That power actually exists in the Constitution. So, even if you want to flatter the private opinion of the Prime Minister, it is not worth it in the face of the verdict of the people; even then you could have managed to extend the jurisdiction of the Bombay High Court to the territory of Goa. If such a provision was available in the Goa, Daman and Diu Administration Act of 1962, it could have been done, namely, the extension of the jurisdiction of the Bombay High Court to these territories could have been made. Therefore, the question is one of comparative merits and demerits of having a separate judicial commissioner's court or extending the jurisdiction of the Bombay High Court in the case of Goa and similarly extending the jurisdiction of the Madras High Court to Pondicherry.

13 hrs.

Coming to the merits and demerits, there is only one thing which could be said in favour of constituting the Judicial Commissioner's Court and that is that the Judge will sit in Goa and the people can immediately go and get quick justice. As against this petty advantage, the people of Goa are going to lose numerous other advantages which will flow to them if the jurisdiction of the Bombay High Court is extended. Who can deny that the justice meted out by an old traditional and well-established High Court like the Bombay High Court, of whose history, tradition and prestige all are proud, will be hundred times better than the justice meted out by a petty Judicial Commissioner. Allow me to say that this is being motivated and forced upon the Central Government by the petty authorities and petty officials in these territories who want to have a judiciary in their own territory which may be easily influencable. We cannot compare the justice meted out by the Bombay

High Court and the petty Judicial Commissioner's court.

Who will go to the Judicial Commissioner's court as Judicial Commissioner? Only a man who is not appointed or who is not fit to be appointed as a High Court Judge would go to the Judicial Commissioner's Court. Ask any lawyer whether he would like to be appointed to the High Court or to the Judicial Commissioner's court. Any lawyer would prefer to be a High Court Judge, if he is to be appointed to that post. So, the very constitution will give second calibre men to the Judicial Commissioner's court, which is without any past traditions of the Bar and the Bench, which we all cherish so much as the bastions of our democracy and justice.

Secondly, if we go to a High Court, in regard to cases which are dealt with by a single judge or a division bench, in certain special cases, there is provision for special leave of appeal to a larger bench and for getting the more considered opinion of a larger number of judges. That advantage also is taken away from the people of Goa, Daman and Diu and Pondicherry. To correct the decision of the Judicial Commissioner, people have to go straightway to the Supreme Court. We all know how costly and prohibitive appeals to the Supreme Court are. It is impossible for an ordinary citizen, excepting for big-moneyed people, to approach the Supreme Court. Right from Goa, almost at the other end of the country, even in the case of first appeal, a litigant has to come from the Judicial Commissioner's Court to Delhi for appealing to the Supreme Court, with all the expenses it entails. As a practising lawyer I know it—many lawyer friends also know it—how difficult it is to move the Supreme Court and how prohibitive it is. I have known cases in which I have appeared and even senior lawyers have said, this is a first class. But the security deposit of Rs. 1,000 or Rs. 2,000 could not be arranged and therefore, important and weighty points of law have gone by default in so many cases without coming to the Supreme Court. To expect a petty peasant litigating his rights about some land, a petty tradesman litigating about some contract or agreement or the common citizen who wants to defend his fundamental rights against the inroads of the executive, to expect him to rush to the Supreme Court is completely impossible.

Dr. M. S. Aney (Nagpur): The cost of litigation in High Court would be more than in the Judicial Commissioner's court.

Shri Daji: I do not agree with that view that High Court will be more costly. In the case of a single judge of a High Court, who considers ordinary matters, it will not be more costly in terms of stamp duty and other things as compared to the Judicial Commissioner's court. There will not be much difference. The only point in favour of he Judicial Commissioner would be there right in Goa itself whereas in the case of the High Court, he has to go to Bombay. But there are sprawling States like Madhya Pradesh, which is the largest State in the Indian Union, where the distance from one place to another within the State itself is more then a thousand miles. Can we have a High Court for every district? Goa is smaller than many disrticts of U. P. Madhya Pradesh or Maharashtra. The Bombay, High Court, in their wisdom have already constituted a Nagpur Bench and a Bombay Bench, so that the litigating public can easily get justice. Even in Madhya Pradesh, we have got three Benches in Gwalior, Indore and Jubbalpur. I am quite sure that if the Bombay High Court is properly approached, they would not refuse to have a Bench sitting for a few days in a month or for a part of the year sitting there in Goa and disposing of the cases expeditiously,

[Shri Daji]

which would have been more convenient for the public. The Judicial Commissioner's court is a truncated court, a court of second jurisdiction, a C Class court, as we used to call when we had C Class States like Bhopal, Ajmer, Himachal Pradesh and others. To relegate the citizens of Goa, Daman and Diu to the status of C class citizens of India is something to which I cannot subscribe. Therefore, I oppose the philosophy behind this, which is retrograde and which will hinder proper justice being meted out to the people of Goa, Daman and Diu.

The people of Goa have bravely withstood the Portuguese rule for quite a number of years. We salute them for the struggle they raged. We the people of India, also in our humble way tried to help them and liberate them from the tentacles of Portuguese imperialism. We have liberated them and we have rejoined them to their Motherland. After this proud struggle, is this the way justice is meted out to them? We have taken them to our bosom, as a mother takes a child, and in fact, they have become fully and completely a Part of India. That is why they have got this logical aspiration of linguistic merger with the neighbouring State of Maharashtra. That is the only logical step to the liberation of Goa. Anything else is not logical; it is absolutely illogical. Let me remind the Government that when in the past the Government tried to stand against the aspirations of the people of Maha Gujrat and the people of Maharashtra, it is the people's movement which completely swept away that folly. Now the people of Goa have given a democratic verdict in a democratic way. If the Government is not prepared to listen to them, I have no hesitation in saying that the people of Goa, who were strong enough to liberate themselves from the tentacles of foreign imperialism, will rise even stronger to overthrow this sort of C class treatment that some persons want to meet out to them. It is from this angle—political, democratic and judicial—that I oppose this whole Bill and I even now submit that the Government should withdraw it and reconsider the whole thing in its entirety.

Before I close, I would draw your kind attention to the difficulties that we are again and again coming across in the House. I made that suggestion to you about 1½ years back. Many of these Bills do not go to the Select Committees and it is not necessary by their very nature. That is why I suggested that you, in your wisdom, might constitute a Standing Committee for such Bills, so that we may have more considered legislation. Many such Bills are rushed through just as the Advocates (Amendment) Bill. What will happen after 31st March 1964 is not clear. I am sure if we have a Standing Commitee and knock out these things sitting across the Table, if Bills which do not go to a Select Committee are processed in this manner, it will bring about a process of more considered legislation. Here we can only exchange words. We hardly exchange ideas in the House. Even if we try to exchange ideas, the atmosphere is not so conducive for it. So, the constitution of such a Standing Committee is very much called for. With these words. I oppose the Bill.

Shri N. C. Chatterjee (Burdwan): Mr. Speaker, Sir, since the attainment of independence, liberaion of Goa was our greatest achievement. We liberated that territory from Portuguese Salazar's dictatorship. It is amazing that Parliament's verdict is going to be reversed in this way. I am reading section 7 of the Goa, Damand and Diu (Administration) Act, 1962—Act 1 of 1962. Secion 7 runs as follows:

> "As from such date as the Central Government may, by notification in the official Gazette, specify the jurisdiction of the High Court of Bombay shall extend to Goa, Deman and Diu.."

Therefore, it was a clear verdict of this Parliament in 1962, when it enacted Act No. 1 of 1962, that the Bombay High Court shall be the High Court which will have jurisdiction over Goa Daman and Diu. I do not know why this section is being repealed. The hon. Miniser's Bill says:

> "Section 7 of the Goa, Daman and Diu (Administration) Act, 1962, is hereby repealed."

Why should Parliament be called upon to reverse its verdict?

As a matter of fact, what has happened since then clearly shows that they want integration with India, they want integration with Maharashtra, they want closer association with India. The best force for integration is the judicial integration. I cannot understand why the High Court of Bombay cannot function as the proper court.

Dr. Aney was raising the question of cost. May I point out that when I was associated with the Calcutta High Court I was sent for by Chief Justice Trevor Harries shortly before I left that High Court. He asked me whether I would go to the Andamans to preside over as a High Court Judge and administer justice in Andaman and Laccadive Islands. I was prepared to go. You know Andaman is a practically a place of pilgrimage of all nationals and patriots. Our greatest revolutionaries were there locked up. I was very happy. As a matter of fact, Chief Justice Chakravartty, who succeeded Sir Trevor Harries, went there as Judge of the Calcutta High Court. Why cannot they depute one High Court Judge to go to Goa and administer justice as is being done under the aegis of the Calcutta High Court in regard to Andaman and Nicobar Islands and all those places? I am submitting, Sir, that his is a very salutary principle and there is no question of any extra cost.

A question may be raised as to whether one High Court Judge or one High Court can function outside the State of Maharashtra? If you give it to the High Court of Bombay there is no difficulty. You know that the Punjab High Court is functioning as a High Court in the Union territory of Delhi. It is technically a different State. There is a Bench sitting here—not one Bench, I think there are now four Judges. The other day when I was there Jusice Dua and Justice Mahajan constituted the Division Bench. Two other judges are sitting singly. There are four Judges now. There is no difficulty in that.

Why are you reversing that decision and putting up a Judicial Commissioner? You know what a Judicial Commissioner is. If I may be permitted to refer to a personal matter, Sir, you may remember, when Dr, Shyama Prasad Mukerjee and myself were arrested in connection with the Kashmir movement the Supreme Court delivered a thundering judgment through the Chief Justice—and released us because the magistrate who was in charge of the case did not make any remand order but ultimately prepared a remand order which was not belived to be genuine by the Supreme Court. Therefore, we were released. What happened to that Magistrate? He was made Judicial Commissioner of Tripura. Amazing things happen here. These are our Judicial Commissioners. I have got a horror of them. You may know about the Judicial Commissioner of Himachal Pradesh. It is called a High Court and has one Judicial Commissioner. If you have got ten persons hauled up for murder, that one Judge will dispose of everything. There is no letters patent appeal and no Bench, nothing of the kind. It is a travesty of justice. I do not think it is proper.

I think in this case it will be much better to place it under the High

[Shri N. C. Chatterjee]

Court of Maharashtra, as was contemplated, as was indicated, as was the deliberate verdict of this Parliament. Why should we reverse that process. After all—Shri Peter Alvares has given me the figures because he represents that portion of the territory of India in Parliament—only five lakhs people are there. Why should we have a separate court for five lakhs of people? Why do you not bring it within the jurisdiction of the High Court of Maharashtra, which is a High Court as ancient as the Calcutta High Court or the Madras High Court, which is one of the tribunals which command the confidence of all sections of the people. The greatest obstacle to the disintegrating forces is an integrated judicial system. I would, therefore, appeal that this section should not be repealed. It should be kept up and we should place Goa, Daman and Diu not under any Judicial Commissioner.

I do not know why they want a Judicial Commissioner's court to function for it. Have it under the Maharashtra High Court. I am quite sure if Chief Justice Chagla had been still the Chief Justice he could have easily sent one or two Judges to Goa whenever necessary. I am quite sure the present Chief Justice Chanani will do so if it is put to him. There will be no question of any additional cost or anything of the kind. There is arrangement there for accommodation and for installation of a court and the High Court can easily function there.

Therefore, Sir, I am suggesting that this is a retrograde step. Do not have anything to do with the old set up in that part of India. We know what is happening in Kashmir and in Nagaland. Therefore we should be particularly careful not to entertain any idea of keeping the old enclaves, keeping the old type of feudalism or imperialism. We should integrate it strongly, quickly and wholeheartedly into the Indian judicial structure and make it function as such.

Shri Sinhasan Singh (Gorakhpur): Sir, when I read this Bill and saw that it was being moved by the Minister of External Affairs, I was surprised and I thought whether we were dealing with a foreign State or an Indian State. Our territory has been divided into two parts. States and Union Territories. I do not know the reasons why, unfortunately, we are still having some territories administered by the Home Ministry and some, separately, by the Ministry of External Affairs. So far as I know, according to my conception of foreign affairs, the External Affairs Ministry is to deal with matters relating to our connection with foreign countries. No where else in the world do I find the Ministry of External Affairs dealing with a State which forms a part of its own territory. As a result of this kind of treatment we are still facing trouble in Kashmir and Nagaland.

The very idea of having it under a different Ministry is something obnoxious. I think the parliament should feel very sore about it. Why is it that this Government is dividing the territories between two ministries? Why should it be taken away from the Ministry of Home Affairs as if the Home Ministry is not competent to look after these territories and the Ministry of External Affairs alone is competent to look after them. This problem should be looked into.

My second point is, this Bill cannot be moved in the form in which it has been done. No Indian territory can have a High Court. It is only the States which can have High Court. Article 1 has divided India into States and Union Territories. Article 1 (2) says:

> "India, that is Bharat, shall be a Union of States. The States and the territories thereof shall be as specified in the First Schedule."

That means we have divided India into States and Union Territories. There is no third kind. Article 214

says that only States will have High Courts and not Union Territories. Article 214 says: "There shall be a High Court for each State." The provision in the Constitution in no way empowers any Union Territory to have a separate High Court.

13·20 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

In Schedule I, where the States are categorised, Daman and Diu find a sentatives of these Union Territories Schedule I refers to 16 States in India and 9 Union Territories. The States begin with Andhra and end with Nagaland. The Union Territories begin with Delhi and end with Pondicherry. Thus, we have got a distinct sphere and nomenclature of States and Union Territories. Article 214 says that every state will have a High Court; not every Union Territory. How the Union Territories are to be dealt with is nowhere mentioned in the Constitution. It has been provided in Article 230 that the Union Territories will be assigned to one or the other of the High Courts. Article 230 says that 'Parliament may by law extend the jurisdic- of a High Court to, or exclude the jurisdiction of a High Court from, any Union Territory." A Union Territory is to be administered by a High Court which may be assigned to it by Parliament. Here it says: Section 7 of the Goa, Daman and Diu (Amendment) Act is hereby repealed. As was pointed out by my learned friend the previous speaker, who was himself High Court Judge, you are taking away the jurisdiction of Bombay High Court and conferring the High Court status on the Judicial Commission, which, I say, cannot be done under the provisions of the Constitution. It deprives the Union Territory to have an independent High Court. It may be attached to one of the High Courts and it is already attached to the Bombay High Court. Therefore, to take away the jurisdiction of the Bombay High Court and constitute an independent High Court may be challenged sometimes on the ground that Parliament is not competent to appoint or to constitute a separate High Court for a Union Territory.

So, Sir, my submission firstly to the Home Minister or the Law Minister is why he should not sponsor this Bill. Goa is still being treated as a foreign State. There is no provision to constitute a High Court for a Union Territory.

Then, Sir, I submit that the time has come for the Government now to consider as to how long they are going to treat some of the parts of our country as separate from the Home Ministry. (*An hon. Member*: Hear, hear). Pondicherry is treated separately. Goa is treated separately. Nagar Haveli is treated separately. NEFA and Nagaland are treated separately. All these things have to stop; and now, Sir, if Kashmir was not treated separately, this problem of Sheikh Abdullah meeting our Prime Minister would not be there, and this morning's discussion would not have come. We must consider fully and sympathetically whether India should be run by one Government, by the Home Ministry, so far as Law and Order are concerned, and the Foreign Ministry should take off its hands. Therefore, I would like them to consider whether it is proper to move this Bill. It is open for discussion. I would again request my learned ex-High Court Judge and now Member of Parliament here whether in view of Article 214 Union Territory could not have a High Court independently because Article 214, and Article 230, read together constitute that only State can have a High Court and Union Territory can be run through one of the High Courts which may be assigned to it.

With these words I oppose this Bill and I hope that the hon. Minister will consider it.

Shri Shinkre (Marmagoa): I am grateful to hon. Members of the

[Shri Shinkre]

House who have preceded me and who have very strongly opposed this Bill and shown valid reasons why this Bill should not be adopted. Sir, I oppose this Bill both on principle as well as on grounds of logic; on principle, because, as my hon. friend Shri Daji just now pointed out, the creation of small judicial units like a High Court or similar institutions will have very dangerous possibilities. We know, Sir, that in our former Princely States we used to have even Supreme Courts for territories like Goa or smaller with a small population. And, what was the performance of those courts? Everybody knows, and it is not necessary for me to take the time of the House on such details.

Sir, it is most surprising that this Bill should have been introduced in the Lok Sabha on the 18th December, 1963, that is, after the election results of Goa, Daman and Diu have been known, and after both the representatives of these Union Territories had not only taken oath in the Lok Sabha, but had already been functioning here as the lawful representatives of those territories. The Government should have at least tried to seek some sort of advice from these only two representatives of these Union Territories before introducing such a Bill and if, at that stage, they did not have enough time to consider the question of seeking the advice of the representatives of these Territories, at least now, at the stage of bringing the Bill for the consideration of the House, they could have well shown some sort of eagerness to know from me and my hon. friend Mr. Peter Alvares what was the general feeling of the people of Goa, Daman and Diu regarding this Bill. But I am sorry to state here that perhaps because neither of us belongs to the ruling party the Government have thought it fit to ignore us in matters which concern us most.

Shri Hari Vishnu Kamath: People ignored them and they have ignored you.

Shri Shinkre: Anyway, I am very thankful to the people of this country as I said on an earlier occasion, because people have not ignored us and have supported us all the time. It is the Government which tries to behave in a very peculiar manner. I do not want to state here that the Government are trying to be vindictive for the crushing defeat that we inflicted on the Congress Party in the last general elections in Goa.

I said, Sir, that oppose this Bill both on principle as well as on grounds of logic. As you know very well, this Union Territory is composed of Goa, Daman and Diu. Now, Goa speaks Marathi as their main language and Daman and Diu speak Gujarati. In Goa nobody knows, nor has ever learned Gujarati. Both the Indian Penal Code as well as the Criminal Procedure Code have been extended to these Union Territories from 1st November, 1963. That means that the Criminal Procedure regarding the Union Territories of Goa, Daman and Diu is being carried from the first of November, 1963 on Indian pattern, in Gujarati in Daman and Diu, as the regional language of the people concerned and in Marathi and English in Goa. The Judges of the High Court or Commissioner's Court, not only do not know Gujarati, but are seldom interested to learn even remotely the Gujarati language. So, this is the first objection that I have on grounds of logic to the passing of this Bill, because the Judicial Commissioner's Court of Goa, Daman and Diu will not be able to deal with matters relating to Daman and Diu as they are completely different set of people inhabiting those two Territories from the people of Goa.

Sir, it may be argued on behalf of the Government that it is to the benefit of the people of this Territory that they have brought this Bill because they will provide, as a result of this Bill, an excuse for a High Court near-

by, nearer home, and they will be saved the expenditure sometimes involved in running to Bombay if Bombay were adopted as the High Court for this Territory. But this may be only a temporary benefit. In the long run, the establishment of a Judicial Commissioner's Court in these Union territories will only serve the purpose of creating vested interest and I do not know whether the Government's main purpose is to create gradually more and more vested interest in these Union territories and tomorrow claim the benefits for this vested interest created by themselves. I do not know whether this Government of ours have learnt cleverly the tactics of our by gone rulers, British rulers, who were masters at the art of creating vested interests everywhere. I say this because I cannot find any justification whatsoever for such a Bill when in the Act No. 1 of 1962 referred to earlier by Mr. N. C. Chatterjee, it had already been stated that the Bombay Branch of Maharashtra High Court will function as the High Court in the Union territories of Goa, Daman and Diu. Such an enactment was perfectly justified as well as logical because, as you know, Sir, the Bombay High Court could do equally well both for Marathi-speaking and Gujarati-speaking people because Bombay has a population of both Marathi-speaking people and Gujarati-speaking people and there was even a move to make Bombay a bilingual State.

Now, Sir, you will excuse me for making a personal point. I am opposing this Bill to some extent against myself because I am myself a professional lawyer and as a result of the establishment of the Judicial Commissioner's Court in Goa, it will certainly be a benefit to me professionally, but I cannot view such benefit either in the longer context nor in the larger interest of the people concerned who have already given their verdict, unequivocal verdict, that they want to merge with Maharashtra and I do not want that such a Bill as this one should serve tomorrow or in the near future as an excuse to raise arguments against the merger.

Mr. Deputy-Speaker: The hon. Member may conclude now.

Shri S. M. Banerjee (Kanpur): He represents the Union territory and may get a little more time.

Mr. Deputy-Speaker: He can have two or three minutes more.

Shri S. M. Banerjee: I request that the time allotted to this Bill may be increased by half an hour.

Shri S. S. More (Poona): It may be extended to two hours.

Shri Daji: We have saved so much time on the Advocates (Amendment) Bill.

Mr. Deputy-Speaker: The hon. Member may continue.

Shri Shinkre: All the time, we have been hearing in this House talks of national integration and the emotional integration and the Government want us, the people of this country, to think in terms of national integration. But it is a pity that the Government seem to have no notion or knowledge of what emotional integration of the country is. Otherwise, I cannot find any justification for so many enactments that are brought forward on behalf of the Government and the purpose of which can only be disintegration and not integration. It has been just now pointed out by my hon. friend in front of me that an enactment like this and the things that are happening elsewhere in other Union territories are not only not conducive to the emotional integration of the country but, on the contrary, they will eventually lead to disintegration.

Lastly, I may be allowed to point out here—I also raise my voice with my hon. friend who said it before that these Union territories should immediately be taken away from the jurisdiction of the External Affairs Ministry and brought under the Ministry

[Shinkre]

of Home Affairs as a first step towards the integration of these territories.

Mr. Deputy-Speaker: Shri S. S. More.

Shri Hari Vishnu Kamath: On a point of order, Sir. Before we proceed further with the Bill, I submit that the entire scheme of this Bill is *ultra vires* of the Constitution. I invite your attention, Sir, to articles 1, 214 and 230 of the Constitution. Article 1 stipulates that India, that is Bharat, shall be a Union of States. It says:

> "(3) The territory of India shall comprise—
>
> (a) the territories of the States;
>
> (b) the Union territories specified in the First Schedule; and
>
> (c) such other territories as may be acquired."

Then, article 214 clearly states that there shall be a High Court for each State. All that Parliament can do under the Constitution, that is, under article 230 of the Constitution, is:

> "Parliament may by law extend the jurisdiction of a High Court to, or exclude the jurisdiction of a High Court from, any Union territory."

That is between the State and the Union territory concerned.

Now, Sir, what is sought to be done through this Bill is to invest the Judicial Commissioner's Court in the Union territory of Goa, Daman and Diu with the status or the position or the powers of a High Court which is not contemplated by any article of the Constitution. Before we proceed further I want your ruling on this point whether the Bill is in order. I submit that the Bill is not in order considering articles 1, 214 and 230.

Schedule 1 to the Constitution gives the list of States, that is to say, the names of States and the Union territories. I would, therefore, ask the Minister if she can enlighten the House under which article of the Constitution this is being done. Clause 3 of the Bill says:

> "The Court of the Judicial Commissioner .... is hereby declared to be a High Court....".

It is absolutely arbitrary to say, "....is hereby declared to be a High Court...." by the fiat or the *fatwaa* of the Government. There is no article in the Constitution which can thus declare a High Court. All that the Parliament can do is to extend the jurisdiction or exclude the jurisdiction of a High Court. Here, they have declared it wantonly, without any support of constitutional law, as the High Court for certain purposes. Let the Government point out what the articles are under which this is sought to be done. Otherwise, the Bill is not in order. The Bill must not be proceeded with in the House.

Mr. Deputy-Speaker: It has been consistently held by the Chair that the Chair does not decide the question of ultra vires. If the House considers it unconstitutional, it can throw it out at the consideration stage. There is no point of order. Shri S. S. More.

Shri Hari Vishnu Kamath: You are taking the line of least resistance. You must give a considered ruling.

Mr. Deputy-Speaker: That is my considered ruling.

Shri Hari Vishnu Kamath: This is not a considered ruling.

Shri S. S. More: Mr. Deputy-Speaker, Sir, I strongly oppose the present Bill. My hon. friend, Mr. N. C. Chatterjee was pleased to ask the question why section 7 of the original Act is being amended or repealed. I will furnish him the reply. I will tell you, Mr. Deputy-Speaker, that the people in Maharashtra have come to believe that there is a sinister design behind this measure. What is

that sinister design? It is to keep the Maharashtrians separate from each other and to drive a wedge between Maharashtra and Goa. This Government is supposed to be a Government based on democracy. Now, if we have to implement democracy, we must have democratic values. Without democratic values, we cannot implement democratic principles. The people of Goa who have been very sturdy and valiant fighters for ages have unequivocably declared their intention to merge with Maharashtra. But there are certain elements here at the Centre who do not desire such integration. This Government speaks of integration. When we go to Kashmir, when we go to Nagaland, we talk about integration. But when the people are ready to integrate themselves with India, we try to keep them separate.

Shri Shinkre: Hear, hear.

Shri S. S. More: One of the previous speakers stated that the justice of the Judicial Commissioner's Court may not be a good quality justice. I will take another matter. The people who have been brought up on pure ghee are being forced to purchase now adulterated vanaspati for the purpose of their maintenance. What is the standard of justice of a judicial commissioner? Some immature and inexperienced officer who will be prepared to toe the line of Government will be appointed there and he will dispense justice.

I am a product of the Bombay High Court and the Bombay University. I feel very much proud of the great tradition which has been established by the Bombay High Court and of the maturity of judgement there. The people of Goa have been accustomed so far to the best quality of justice there, but now that is being removed, and an inferior type of justice is sought to be imposed on the people of Goa. The people of Goa who have stood the oppression of the Portuguese Government for so many centuries are not going to tolerate this sort of oppression in judicial matters.

My hon. friends Shri N. C. Chatterjee and others have given very valid and cogent reasons for disapproving of this Bill. If Government want to retain the sympathy of the Maharashtrians who are believing that they are being treated like guinea-pigs for experiments, and if they want to win over the Maharashtrians who won for the Congress more than 41 seats out of a total number of 44 seats, then I would submit that Government would be wise if they withdraw this measure If there is something like gratitude, I would say that Government should respect our sentiments and take back this particular measure.

It may be argued on behalf of Government that they are bringing justice nearer home to the Goa people I think that that is a fallacious argument. The Bombay High Court was prepared to appoint a division bench there, as it has appointed a division bench at Nagpur. The Bombay High Court would have been very happy to appoint division bench not only for the Goa people but even for Daman and Diu, in view of the language difficulty. If the Bombay High Court is prepared to take over the responsibility of giving fair justice to the Goa people, why the Central Government should step in and take away that great opportunity from the Goa people is something which it is very difficult for us to follow.

Then, as my hon. friend Shri N. C. Chatterjee has said, the attempt to repeal section 7 of the original Act and supplant it with the present provision is a very reactionary step on the part of Government, and this Government which is wedded to progressive advance and progressive democracy should not take such a reactionary

[Shri S. S. More]

step. My hon. friend Shri Kamath is smiling because he feels that I am speaking with a double voice. But as far as Maharashtra's interests are concerned, I have got only one voice, and I am speaking with that one voice.

Shri Alvares (Panjim): I see in this Bill for the establishment of a High Court in Goa the intention of Government to run counter to the declared wishes of the people. A few days ago, when answering a question on the merger of Goa, the hon. Minister Without Portfolio said that the issue of Goa's merger into Maharashtra was an open question. And one week later, Government present Parliament with a Bill whereby the separate identity of Goa is made a *fait accompli* by the establishment of a High Court. Let us get into the history of this move. When Dadra and Nagar Haveli were freed by the Goan liberation fighters, the Government of India invited two Goan representatives to visit Dadra and Nagar Haveli regularly to hear disputes and to settle them. The idea was that those who knew Marathi and a little Portuguese and were conversant with the peoples language and the law would be able to render justice better in all the disputes that might arise. If this principle had been followed in Goa, I am sure that the existing provision deliberately made by Government under the authority of article 231 of the Constitution whereby the jurisdiction of the High Court of Bombay was extended to Goa would have been quite relevant. As my hon. friend Shri Shinkre who himself is a prominent lawyer from Goa has made out, this would have been the best arrangement. And the Bombay High Court would have willingly obliged by setting up a Bench in Goa.

In this connection, may I say that the history of the people's struggle in Goa to liberate themselves from Portuguese rule and their struggle for integration with Maharashtra have had decisive results? The Government, right in the beginning, had a prejudice about the future of Goa. They appointed a language commission, and the language commission permitted any student to decide what his mother-tongue was, and it was said that he would be provided with primary education facilities in that mother-tongue. I am to state that after the award of this language commission presided over by the eminent educationist, Dr. Amarnath Jha, the children of Goa voted, as once before their parents had voted in regard to merger, by deciding that 54,000 of them would study in Marathi, while only 600 opted for Konkani and 2000 opted for education in English. It is, therefore, obvious that the language of Goa is Marathi, and it will be proper if a Bench of the Maharashtra High Court is established in Goa. After all, justice must not only be administered speedily, but it must be administered in a language that the people could understand and could participate in. The days of the British rule when there was interpretation always are now gone. The people demand now a more direct participation in the judicial procedure.

Obviously, looking to the statistics of education now in Goa, it would be obvious that the proper thing would be to extend the Bench of the Maharashtra High Court whereby not only could a large amount of money be saved, but justice could also be speedily administered in the language of the people.

May I make just one more reference, and that is to an arbitrary action which the Ministry of External Affairs had once before done in Goa. Immediately after Goa's liberation, in spite of the unanimous demand of the people of Goa, the Ministry of External Affairs decided that the matriculation

examinations in Goa should be conducted by the Central Board of Education at New Delhi. There was no *raison d'etre* for this order, and there was no precedent. All the while, during the past one hundred or two hundred years, the students from Goa were coming to Bombay for their matriculation examinations, and the SSC Board of Poona was conducting the matriculation examination in Goa up to the satyagraha period, and outside Goa thereafter. But, suddenly, because of this latent prejudice, the Ministry of External Affairs decided that the SSC Board of Poona should not have any jurisdiction, and that the Central Board of Education in New Delhi should conduct the matriculation examination. There was a tremendous agitation in Goa, and ultimately, the Ministry of External Affairs had to bow down to the wishes of the people of Goa, withdraw the control of the Central Board of Education in New Delhi and once again permit the matriculation examinations for the Goa students to be conducted by the SSC Board of Poona.

Mr. Deputy-Speaker: That is far beyond the point. He should try to conclude now.

Shri Alvares: I shall conclude in a couple of minutes.

This is only an example of how because of the retention of the Goa problem with the External Affairs Ministry and how the External Affairs Ministry is not able to understand the wishes of the people and to find out what their emotions and sentiments are. They view the whole Goa problem still from the point of view of what repercussions there may be in the relationships with other countries and in the matter of external affairs. This is one more reason why the department in charge of Goa should be speedily transferred from the Ministry of External Affairs to the Ministry of Home Affairs.

Therefore, with these words, I would submit that for the reason that this issue of the High Court of Goa is entirely unjustifiable because of the fact that article 231 of the Constitution permits that the High Court of a particular State can also extend its jurisdiction to a Union Territory under section 7 of the Act relating to Union Territories, and since there is already a provision for the jurisdiction of the High Court of Bombay to be extended to Goa, and since because of the language issue, of it is still possible for the High Court to set up a Bench in Goa, I oppose the setting up of a separate High Court in Goa, and I oppose this Bill.

Mr. Deputy-Speaker: Shall we extend the time by half an hour?

Shri Hari Vishnu Kamath: By one hour.

Mr. Deputy-Speaker: Yes.

Dr. M. S. Aney: In the matter of having a particular State for themselves, the views of the people of the area affected should prevail. That being the case, if the people of Goa have decided and shown also in the general elections that they would like to be merged with Maharashtra, I think it is not prudent for Government to postpone the decision in the matter. It should be dealt with as the people concerned want it to be dealt with. If after dealing with the matter in that way, something else happens, that is another matter. But for the present, with the unity of the country so much paramount, it is better for Government to minimise the points of difference and friction and try to make things as smooth as possible for them to work with Government. From that point of view, I believe the postponement of the decision to merge Goa with Maharashtra

[Dr. M. S. Aney]

will create greater difficulties for Government than it would otherwise be. So, so far as that point is concerned, I entirely agree with them.

As regards the matter concerning the court, my hon. friends, Shri Chatterjee and Shri Sinhasan Singh, raised a pertinent point, whether the Government has the right to set up a High Court for a territory which is not a State. Under the existing provisions, they can set up a High Court for a State or extend the jurisdiction of a High Court to any territory which Government would like to add. To set up a High Court for a territory other than a State is a matter not provided for under our law. That is how it looks to us. Anyhow, we bow to your ruling and I do not want to discuss this further. I leave it at that.

But I must say one thing, that the judicial Commissioner's Court is not altogether a new thing in this country. I am a resident of Berar. Four districts of Berar had a separate Judicial Commissioner. 18 districts of C.P. had a Judicial Commissioner.

Shri Hari Vishnu Kamath: It was all in bygone days.

Dr. M. S. Aney: Let me say this that it is to their credit that the Judicial Commissioners were good lawyers. Though the institution is less dignified, the lawyers manning it were good. They were supposed to be carrying an inferior status. I knew what would be the position of a Judicial Commissioner in the company of High Court Judges. Shri Chatterjee may be knowing it. When a big Commission was appointed in connection with the Civil Procedure Code, Mr. Ismay, one of the Judicial Commissioners, was there as one of the members.

Shri N. C. Chatterjee: Sir Lawrence Jenkins was the Chairman.

Dr. M. S. Aney: He was sitting in the midst of men like Sir Lawrence Jenkins who himself said the Judicial Commissioner is more up to date and in touch with the subject than any one of the members.

So it all depends upon the person occupying that post. But the real thing is that if they really think justice will be meted out cheaper and quickly and it will be more convenient for them to have the jurisdiction of the High Court, there is no reason why the old order of things should be changed and this amendment made. In that view, the Bill looks superfluous.

Shri Sonavane (Pandharpur): I rise to oppose this Bill for the only reason that the Government has not given any cogent and justifiable reason as to why it wants to bring forward this Bill and change the jurisdiction of the Bombay High Court as per the law passed by Parliament in 1962, Act I of 1962. The statement of objects and reasons nowhere gives any cogent reason for the enactment of this legislation. I feel the Government have no reason whatsoever to come forward with this Bill and hence the total absence of reason for the passage of this Bill.

I do not know also what has transpired within the course of two years when Act I of 1962 was passed making the Bombay High Court the High Court for Goa, Diu and Daman. Immediately thereafter, the Judicial Commissioner's Court Regulation Act was brought in 1963. Later on, in December, this Bill was introduced. During the course of these two years, nothing has happened. The Bombay High Court has not misbehaved in its judgments, nor were any complaints received from the Goa people that it was disadvantageous or harmful for them to be under the jurisdiction of that High Court. Therefore, it is

very surprising, and it looks mysterious why this Bill has been brought forward. As stated by some speakers preceding me, there is some mysterious hand behind this Bill. It is likely that the apprehensions of some Members may be true, because there is no cogent reason adduced for bringing in this Bill divesting the Bombay High Court of its jurisdiction over Goa.

Then another thing. I do not understand why Government complicates matters; instead of solving them by making easy the solution of problems before the country, the Government at times complicates them. There are already complications before the country—Kashmir issue and some other issues. Now the Goa issue is likely to be complicated. So I earnestly appeal to the Ministry that even at this late stage, they should desist from proceeding with this Bill and they should withdraw it. I do so in the sincere hope that the problem should not be complicated further.

Further, Goa being an internal matter, it is the proper concern of the Home Ministry. I do not understand why the External Affairs Ministry should at all be in charge of this matter. It gives the impression to the world that Goa is outside India. It is now under the External Affairs Ministry. Therefore, the affairs of Goa should be transferred to the Home Ministry. That has been the demand of the august House. My hon. friend Shri Kamath and others pointed out that Constitution also did not provide for a separate High Court for Union Territory. In spite of this if this Bill is passed, we look small in the eyes of the Supreme Court who at the first instance say that such Bills are *ultra vires* the Constitution. Therefore, it is in the fitness of things if this Bill is thrown out as pointed out by our Deputy-Speaker . . .

14 hrs.

Shri Hari Vishnu Kamath: The Deputy-Speaker gave a contrary ruling.

Mr. Deputy-Speaker: I did not say anything.

Shri Sonavane: You opined Sir, that if the House does not want the passage of this Bill, it has the right to throw out this Bill: That is what I mentioned here.

Shri Hari Vishnu Kamath: I hope that your party will not throw you out.

Shri Sonavane: We will look after that. If the hon. Minister of State who is in charge of this Bill had applied her mind and thought about the complications that would be created by the passage of this Bill, she would not have brought this Bill before this House. Probably the Secretaries and Deputy Secretaries had prepared such a Bill in a hurry and our Ministers have no time to consider it well and the hon. Members point out all these complications. Even at this stage I feel that it would be a proper gesture if this Bill is withdrawn.

Shri S. M. Banerjee: Sir, I rise to oppose this Bill. If the views of all those who have spoken so far were to be taken, the hon. Minister, instead of replying to the debate would only say, I withdraw the Bill. There is unanimous opposition to this Bill. Even then, whip will be issued but that is a different matter. Mr. More's speech makes the point very clear. There were pungent remarks about the functioning of the Government and the way in which they have brought this Bill. My hon. friend Shri Daji mentioned in this House how Government's position was changing with regard to Samyukha Maharashtra. They went on denying and ultimately they agreed to it. Similarly, we can see the election results and the Congress reverses here in the hands of those who wanted merger of Goa with Maharashtra. Even after such a democratic decision, such a legislation is brought I know that according to article 241(1) of the Constitution, Parliament may by law declare any

[Shri S. M. Banerjee.]

court any territory to be a High Court for all or any of the purpose of this Constitution. But what is the necessity of it? Was there any complaint from the people of Goa? Were they denied justice? Why is this separatist tendency allowed to grow with the help of the Central Government. It is time that the Home Minister looked after Goa. It is no use giving the people a feeling that they are a separate entity. In fact they do not feel so. It is the same type of mistake which they have committed in Nagaland and in NEFA also; they made them feel that they are a separate entity. The Treasury Benches accuse the Opposition Members of creating disaffection among the people of the country and of creating separation in the country. I must say that it is being practised by the Treasury Benches themselves and by this Government. People have sacrificed for the liberation of Goa. I am sure Congress would have suffered defeat in the 1962 elections if Goa had not been liberated. I was in Kirkee at that time when the Samyuktha Maharashtra Samiti was fighting that battle. People were killed. Near Flora Fountain firing took place. At that time I was also one of them who tried to champion the cause of Samyukhta Maharashtra Samiti under the wise guidance of Joshi . . .

Mr. Deputy-Speaker: That is all besides the point.

Shri S. M. Banerjee: The satyagrahis went into Goa and they opposed the Salazar regime and faced the bullets. That is why I oppose this Bill. I would request the hon. Minister to withdraw the Bill taking the sense of the Parliament and not take recourse to the steam-roller majority.

Shrimati Lakshmi Menon: Mr. Deputy-Speaker, Sir, this is a unique Bill in the sense that not a single person who has spoken in the House has supported it. Therefore, it is my duty to point out why we have introduced this Bill . . (*Interruptions.*) Many things were said which have no relation to this Bill. Sinister motives were attributed to the Government and we were told that certain Union Territories in India were administered by the External Affairs Ministry and are, therefore, regarded as something outside this country; or at least an impression was created that this prevents the integration and creates a lot of problems and the Government of India are creating problems instead of solving them forgetting that these problems were created mostly by the hon. Members and not by the Government of India. I do not want to waste my time in dealing with small matters. I shall answer some important issues raised by the hon. Members. The question was asked: what was the need to create this judicial commissioner's court repealing article 7 of the Goa, Daman and Diu Administration Act. This article 7 of the Goa, Daman and Diu (Administration) Act was really a sort of *ad hoc* decision and it was felt, because of the representations made to us by the people of Goa, that the matter must be reviewed. The Law Secretary himself visited that country and I would like to read to the House what he had to say on this subject. He went there to find out what the people, the Bar Association and the lawyers, and the citizens of Goa thought about what should be done. (*Interruption*).

Shri Sonavane: Was it the opinion of the Secretary of the External Affairs Ministry?

Mr: Deputy-Speaker: Order, order.

Shrimati Lakshmi Menon: The Law Secretary said that it is extremely doubtful that the Bombay High Court would be able to dispose of the Goa cases as long as they are governed by the Goan Portuguese laws.

Shri Shinkre: Sir, on a point of order about a clarification. Now that Goa, Daman and Diu have their legally elected representatives in this House, the opinion of the Law Secretary is completely irrelevant.

Mr. Deputy-Speaker: There is no point of order.

Shrimati Lakshmi Menon: He further said that it is, therefore, desirable that at least for a few years the High Court, that is, the Tribunal de Relacao, at Panjim should continue to function as the High Court of the union territory. The reason why this provision was not enforced in Goa is given in this extract. Moreover, there were representations from the Bar and the judiciary in Goa that as the Tribunal de Relacao or the High Court in Goa had been in existence for a long time during the Portuguese period, it would be wrong to lower the status of the High Court with the territory becoming a part of India. There was considerable force in this argument and the Government has only yielded to this demand by the Bar Association and other citizens of Goa.

A question was asked whether there was any complaint about the administration of justice by the Bombay High Court. Perhaps the hon. House does not know that the Bombay High Court has never exercised its powers at all in respect of these territories; there was never an appeal from the Goa courts to the Bombay High Court at all at any time. Therefore, to say that this was really something which we have done because of the supposed complaint about the Bombay High Court is all wrong.

I am really surprised at Shri More's speech, not because he belongs to the party in power but because he said that by this Act we are separating Goa from Maharashtra. I would like to tell him that for 450 years Goa was separate from Maharashtra and at that time there was no grievance; just because Goa has become part of India, anything that we do in order to administer justice in that area is regarded as an attempt to drive in a wedge between Goa and Maharashtra! Some Members referred to the inferior kind of justice. But as far as I know, justice is absolute, and we cannot have an inferior kind of justice and a superior kind of justice.

Shri S. S. More: Will the justice administered by a High Court and that administered by a third class magistrate be of the same quality?

Shrimati Lakshmi Menon: Justice is justice; just as truth is truth.

Shri S. S. More: We have a different experience.

Shrimati Lakshmi Menon: The question was also asked why the Judicial Commissioner's Court is given powers of the high court I might inform the House that article 241 does empower Parliament either to constitute a high court for a Union territory or to declare any court in any such territory to be a High Court for all or any of the purposes of the Constitution, and this is exactly what has been done in this Bill.

I regret that I cannot accede to the request of hon. friends on the other side that I should withdraw the Bill.

Shri Alvares: In view of the fact that not a single speech was in favour of this Bill, will the hon. Minister in the Ministry of External Affairs be prepared to withdraw it?

Mr. Deputy-Speaker: She said that she is not going to withdraw it. Now, the question is:

> "That the Bill to declare the Judicial Commissioner's Court for Goa, Daman and Due to be a High Court for certain purposes of the Constitution, be taken into consideration."

Lok Sabha divided.

Division No. 32] **[14:21 hrs.**

AYES

Akkamma Devi, Shrimati	Laskar, Shri N. R.	Saha, Dr. S. K.
Babunath Singh, Shri	Mahishi, Shimati Sarojini	Sahu, Shri Rameshwar
Balakrishnan, Shri	Maimoona Sultan, Shrimati	Sarma, Shri A. T.
Barman, Shri P. C.	Mallick, Shri Rama Chandra	Shah, Shri Manabendra
Basappa, Shri	Mandal, Dr. P.	Sharma, Shri A. P.
Basumatari, Shri	Marandi, Shri	Shastri, Shri Lal Bahadur
Besra, Shri	Mehrotra, Shri Braj Bihari	Shinde, Shri
Brajeshwar Prasad, Shri	Menon, Shri P. G.	Siddananjappa, Shri
Chakraverti, Shri P. R.	Mishra, Shri Bibhuti	Siddiah, Shri
Chuni Lal, Shri	Mishra, Shri Bibudhendra	Sidheshwar Prasad, Shri
Daljit Singh, Shri	Mohsin, Shri	Singh, Shri D. N.
Das, Shri N. T.	Morarka, Shri	Sinha, Shri B. P.
Das, Shri Sudhansu	Patel, Shri P. R.	Sinha, Shrimati Ramdulari
Deo Bhanj, Shri P. C.	Patel, Shri Rajeshwar	Soy, Shri H. C.
Firodia, Shri	Patnaik, Shri B. C.	Subbaraman, Shri
Ganapati Ram, Shri	Pattabhi Raman, Shri C. R.	Sumat Prasad, Shri .
Gandhi, Shri V. B.	Pillai, Shri Nataraja	Uikey, Shri
Hajarnavis, Shri	Pratap Singh, Shri	Valvi, Shri
Hansda, Shri Subodh	Raghunath Singh, Shri	Varma, Shri Ravindra
Jyotishi, Shri J. P.	Raju, Shri D. B.	Veerappa, Shri
Kayal, Shri P. N.	Ram Sewak, Shri	Vyas, Shri Radhelal
Kelshing, Shri Rishang	Rane, Shri	Wadiwa, Shri
Khan, Dr. P. N.	Rao, Shri Muthyal	Yadab, Shri N. P.
Kotoki, Shri Liladhar	Rao, Shri Thirumala	Yadava, Shri B. P.
Koujalgi, Shri H. V.	Sadhu Ram, Shri	

NOES

Alvares, Shri	Gounder, Shri Muthu	Ram Singh, Shri
Aney, Dr. M. S.	Gupta, Shri Kashi Ram	Ranga, Shri
Banerjee, Shri S. M.	Kamath, Shri Hari Vishnu	Reddy, Shri Narasimha
Bhanu Prakash Singh, Shri	Kandappan, Shri	Shinkre, Shri
Chakravartty, Shrimati Renu	Mohan Swarup, Shri	Singh, Shri Y. D.
Chatterjee, Shri N. C.	Nair, Shri N. Sreekantan	Sonavane, Shri
Daji, Shri	Nair, Shri Vasudevan	Swamy, Shri Sivamurthi
Deo, Shri P. K.	Nambiar, Shri	Yashpal Singh, Shri
Dwivedy, Shri Surendranath		

Mr. Deputy-Speaker: The result of the Division is: Ayes 73; Noes 25.

The motion was adopted.

Mr. Deputy-Speaker: Clause-by-clause consideration. The question is:

"That clauses 2 to 4 stand part of the Bill."

The motion was adopted.

Clauses 2 to 4 were added to the Bill.

Clause 5— (*Short title and commencereme Court from judgment, decree, etc. whether passed or made before or after the commencement of this Act*).

Amendment made:

Page 2,—

for lines 5 to 13, *substitute*—

"*Appeals to Supreme Court from Judgement, decree, etc. passed or made by judicial Commissioners Court.*—5. Subject to any rules made under article 145 or any other law as to the time within which appeals to the Supreme Court are to be entered, an appeal shall lie to that Court from a judgement, decree or final order of the Judicial Commissioner's Court, under the provisions of article 132 or article 133, or from

a judgement, final order or sentence of such court under the provisions of article 134:

Provided that an appeal may be preferred within ninety days from the date of passing of this Act from a judgement, decree, final order or sentence passed or made by the Judicial Commissioner's Court before that date." (4)

(*Shrimati Lakshmi Menon*)

Mr. Deputy-Speaker: The question is:

"That clause 5, as amended, stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Clauses 6 to 8 were added to the Bill.

Clause 1—(*Short title and commencement*)

Amendment made:

Page 1, line 4, *for* "1963" *substitute* "1964".

(*Shrimati Lakshmi Menon*)

Mr. Deputy-Speaker: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

Amendment made:

Page 1. line 1, *for* "Fourteenth". *substitute* "Fifteenth"

(*Shrimati Lakshmi Menon*)

Mr. Deputy-Speaker: The question is:

"That the Enacting Formula, as amended, stand part of the Bill".

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill. The Title was added to the Bill.

Shrimati Lakshmi Menon: I beg to move:

"That the Bill, as amended, be passed"

Mr. Deputy-Speaker: The question is:

"That the Bill, as amended, be passed".

The motion was adopted.

14·23 hrs.

CONSTITUTION (SEVENTEENTH AMENDMENT) BILL

The Deputy Minister of the Ministry of Law (Shri Bibudhendra Misra): On behalf of Shri A. K: Sen, I beg to move:

"That the Bill further to amend the Constitution of India, as reported by the Joint Committee, be taken into consideration."

This Bill seeks to incorporate two changes in the Constitution. One is in article 31A of the Constitution by defining the term "estate" and the other is to put in the Ninth Schedule of the Constitution as many as 44 State Acts. There is no new principle that is being enunciated by the provisions of this Bill. It only seeks to implement the land reform policy that has been accepted by the Parliament from time to time.

Criticism has been made of this Bill mainly on two grounds, firstly that it introduces a dangerous and new principle, namely, the principle of expropriation and secondly that it violates the Constitution. I would later on point out that it neither introduces a new principle nor violates the Constitution. On the contrary, the

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amendments are according to the Constitution itself.

If you turn to article 31A, it reads like this:

> "(a) Notwithstanding anything contained in article 13, no law providing for—
>
> (a) the acquisition by the State of any estate or of any rights therein or the extinguishment or modification of any such rights".

This article gives the power to the State to acquire any estate or have any right in any estate or to modify or extinguish any such right in any such estate. "Estate" has been defined in the same article:

> "the expression "estate" shall, in relation to any local area, have the same meaning as that expression or its local equivalent has in the existing law relating to land tenures in force in that area, and shall also include any *jagir, inam* or *muafi* or other similar grant and in the States of Madras and Kerala any *janmam* right."

If you read the definition of "existing law" given in article 366 and the definition of "estate" in this article construed in the background of the definition of the "existing law" in article 366, it will come to this—the definition of "estate" in a State Act as it stood on the 26th January, 1950, when the Constitution came into force.

Therefore, the difficulty that has been experienced is first of all that the expression "estate" has assumed different definitions in different State Acts. As a result of the reorganisation of States, it has so happened that in one portion of a State whereas one law is applicable, in another part of the State another law is applicable. On transfer from one State to another, we found that those who were governed by one law because the expression "estate" meant a particular thing they were not governed by that law on transfer to another State, because the expression "estate" had a different meaning there.

All these things were mentioned here when the Bill was referred to a Joint Committee. I need not go into the details of how it was struck down by the Supreme Court and High Court only on the ground that Acts of the Legislatures did not come within the definition of the word "estate" and therefore, they went into the question of articles 14, 19 and 31.

Once it is held that any land reform law is in relation to an "estate" then there is no question of violation of articles 14, 19 and 31 coming into operation because article 31A bars it. But once it is held that it is not an estate according to the definition, then of course articles 14, 19 and 31 come into play and the courts are competent to go into the question whether any of these articles are violated. As a result of the difficulties experienced by us, it was found that the land reform policy, to which this Parliament has been committed from time to time and since a long time was being delayed. Therefore, now it is proposed to define the term "estate" in the Constitution itself.

As I have said, the States will not be competent to amend their Acts so as to change the definition now, because whatever was the definition on 26th January, 1950, that would come into play. There is no other alternative than for Parliament to come forward with an amendment to define "estate" so that there will be a uniform all-India policy and all agricultural land, by whatever name it is called, is now included in the definition to set all doubts at rest and to accelerate the speed of the land reforms.

Coming to article 31B, you will find that 44 State Acts are now being included in the Ninth Schedule. That is the recommendation of the Joint Committee of both the House consist-

ing of 45 Members. I would recall that when the Bill was introduced, as many as 124 Acts were put there. When the motion for reference to the Joint Committee was discussed in this House, many Members very strongly reacted to the inclusion of as many as 124 Acts in the 9th schedule itself. Therefore, on a closer scrutiny it was found that only those Acts should be included which the State Governments feel are likely to be challenged in a court of law or have been struck down by a court of law or as a matter of fact are under challenge in a court of law. Out of these 44 Acts which are now being sought to be included in the 9th schedule, the number of Acts held to be invalid is 8; the number of Acts under challenge is 14; similar Acts which have become invalid are 4 and Acts that were again struck down are 7.

Therefore, what has been introduced now in the Ninth Schedule itself is either Acts that have been struck down, or Acts that are under challenge, or Acts that are not yet challenged but similar to those Acts that have been challenged, and also some new Acts which have been passed after the introduction of the Constitution (Seventeenth Amendment) Bill in this House.

A feeling has been expressed, why should any Act be included in this once you have decided to extend the definition of 'estate', if the definition of 'estate' covers everything why should it be included in 31B at all. I can only say it has been done only as a matter of abundant caution, so that disputes do not arise about it, the courts are precluded from going into the question and there is no delay in implementing the land reform policy.

On the one hand there is objection that some Acts are being included in the Ninth Schedule, on the other there have been objections by Members that we have narrowed down the scope of the Ninth Schedule of the Constitution and that all the Acts that found a place in the Ninth Schedule When the Bill was introduced should have been there. That is in the Minute of Dissent to the Report of the Joint Committee. I need not go into that question now.

Then, as I have already said, it is in pursuance of the policy of land reform that Parliament was compelled, having no other alternative, to take recourse to this mode namely amendment of the Constitution.

As I said, so far as the principle is concerned there is nothing new in it, because the land reform policy which ultimately aims at taking away surplus land, making it non-leasable and settling the tillers on it as full owners has been accepted from time to time by this Parliament. And it is not today but it was even in those days when the Fourth Amendment to the Constitution was passed that this principle has been accepted by this House. I will do no better than to read the Statement of Objects and Reasons to the Constitution (Fourth Amendment) Bill which runs as follows:

> "While the abolition of zamindaries and the numerous intermediaries between the State and the tiller of the soil has been achieved for the most part our objectives in land reforms are the fixing of limits to the extent of agricultural land that may be owned or occupied by any person, the disposal of any land held in excess of the prescribed maximum and the further modifications of the rights of land-owners and tenants in agricultural holdings".

This was the Statement of Objects and Reasons of the Constitution (Fourth Amendment) Bill which was not only passed by this House but passed, as the voting shows, with 302 for and 5 against. Therefore, the voting itself clearly indicates that this is the policy of land reform to which this House has been committed fully, and it is only to implement that policy which was set out in the Constitution (Fourth Amendment) Bill that Gov-

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ernment has now come forward with this amendment to articles 31A and 31B.

Sir, ten hours have been granted for this Bill. The Joint Committee gave anxious deliberation to it. About forty-five Members from both Houses held about eighteen sittings in all. If there is any other point about any particular Act and all that—because I have stated only the principles—I will try my best to meet it.

With these words I move, Sir, that the Bill be taken into consideration.

Mr. Deputy-Speaker: Motion moved.

> "That the Bill further to amend the Constitution of India, as reported by the Joint Committee, be taken into consideration"..

Shri Ranga (Chittoor): Mr. Deputy-Speaker, Sir, when the Bill was introduced at first, I said that the dark day has been begun for our peasants by this Government. (*An Hon. Member*: Black day). I find that it has not in any way lightened in its darkness at all, nor in its gloom, in the gloomy prospects for our peasants. My hon. friend is Deputy Minister, and I do not know why the Minister himself has not chosen to come and sponsor this Bill as reported upon by the Joint Committee.

Shri Bibudhendra Misra: It does not matter. Deputy Minister is included in the definition of 'Minister'.

Shri Ranga: It shows how indifferent they have become about their own duties and also how indifferent they have grown regarding their responsibilities to our pasantry in this country.

Sir, my hon. friend has made much play with the idea of land reforms. The whole burden of his song is based upon this that this Parliament has accepted land reform, therefore this is based on the basis of land reform, this is intended in order to implement land reform, and therefore it should be accepted by this House.

Now, what is meant by land reform? What is it that was comprehended by that idea, by that phrase? Throughout history, during the Nineteenth Century as well as this century, in the west as also in the east, by land reform people had understood that there should be no intermediaries between the actual cultivators of the land, the actual owners of the land, and the Government; and whoever may be an intermediary that intermediary if he happens to be functionless should be removed, and he should be removed by paying compensation. But it so happened that our Parliament has in its own judgment decided that this compensation need not be based upon market value but it should be something which would be within the competence of the social economy of our country. That is so far as the intermediaries are concerned.

When the movement for the abolition of the intermediaries was inaugurated in this country on a nation-wide scale from a political platform I had the honour of being one of its initiators, and the movement was led by so many of us. And at that time—that was in 1931, Sir—when this question came up for discussion in the then Congress which at that time happened to be our national platform for all national revolutionaries, I found myself in a minority. Pandit Jawaharlal Nehru, as he then was, was sponsoring what was known as the Charter of Fundamental Rights on behalf of the Congress Working Committee. And it fell to my lot to suggest that the zamindari system should be abolished. It was his lot to oppose it. I said that the forests, the rivers, riverine rights and wastelands, all those which were then under the possession of the zamindars, should be nationalised, should be taken over by the State. It fell to his lot to oppose me and defeat me. And then I wanted that

what had come to be known as tenants under the zamindars, who actually had been for generations the real owners and real tillers of the land, should be accepted as the real owners of the land and the zamindari system should be abolished and the Congress should commit itself to that statement. My amendment was defeated by an overwhelming majority of the Congress Committee. That is how I understood land reform and how he reacted to it then. It was not then suggested by the Congress Working Committee or by Pandit Jawaharlal Nehru at that time that all land should belong to the State, the State should come to have the right to acquire anybody's land at any time at any price that it would choose. They never made any such proposal at all.

Then, Sir, again in 1947 when we were becoming free and we wanted a Constitution for ourselves, we had the Constituent Assembly, and all these questions were discussed. Some of our friends from the then socialist party were really keen at that time that no compensation should be paid to the zamindars. The Constituent Assembly took two very important decisions, and one decision is incorporated here. And that decision is that compensation should be paid, it should be reasonable, it should also be just. But the zamindari system should go. That was common ground between the then socialist and the then Congress people. The dispute arose only in regard to compensation.

Afterwards the Fourth Amendment to the Constitution was brought in, as my hon. friend referred to. According to the Fourth Amendment compensation was to be decided by the various Legislatures, at the State level, and it should not be questioned by the Supreme Court, it should not be justiciable. Why? Because, it came to be questioned in courts and the courts held that the compensation should be just and reasonable, and therefore it should be more or less at market rates and so on. In our social economy, it was felt by our legislators and Parliament, our country would not be capable of affording so much of compensation to those intermediaries and at same time giving necessary protection to the peasants. Indeed, the Supreme Court did not question the right of Parliament to confer ownership of land upon the zamindari tenants. That was not in dispute at all. The only point that came in dispute was the compensation. It was over that that the Fourth Amendment was passed. So, that was the land reform.

Then the question also arose whether this kind of legislation would also be made applicable to ryotwari landholdings, because the ryotwari system, the ryotwari tenure, came to be there in a number of States—parts of Punjab, large parts of Gujarat and Maharashtra, the whole of South including parts of Karnataka, parts of present Malabar, Andhra and Madras and also in a portion of Orissa. The question was whether in these areas also this kind of legislation would be applied. This question was specifically raised in the Constituent Assembly. Dr. Ambedkar, speaking on behalf of not only the Government but also the whole of the Constituent Assembly, gave the assurance that so far as ryotwari system was concerned every holder of the land was treated and accepted as the pattadar or owner of the land and there was no intermediary, no zamindar or any estatedar. He did not get his ownership only by virtue of the fact that he happened to be a rent collector. He was the actual cultivator. Therefore, this legislation would not be made applicable to them and if by any chance at any time Parliament or the State legislatures were to take it into their head to try to extend the mischief or protection of this 31A to the ryotwari pattadars then, he said, it would be the duty of the President to withhold his assent and it would also be the duty of the President to take note of that particular assurance that he was then giving in the Constituent Assembly. That was the position then. Therefore, the ryotwari

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pattadars were not taken to be intermediaries at that stage.

Now, what is the position of these tenants in the rest of India who have, fortunately, come to be the owners as a result of the abolition of the zamindari system? Once the zamindari system was gone, these people also came to assume the same status as the ryotwari pattadars. They have become the bhoomidars in Uttar Pradesh. They are the owners. In Uttar Pradesh they were made to pay the compensation themselves over a number of instalments. They have paid it. It is as if they have paid for it and got it. It has come to them as their property not only because of the legislation that was passed by which zamindari was abolished, but also because they paid the compensation. These people as well as the ryotwari pattadars, all of them, all over India, have come to be placed on a uniform status, on a uniform basis, as being the owners of the land.

Therefore, how does this land reform come to affect them? Yes, it does affect them in one direction. Land reform is expected to give complete rights to the owners of the land to be the cultivators, to be self-employed peasants. At the same time, some of them may be such big people having such large holdings that they would have to invoke the aid of tenants in order to cultivate their lands. What should be the relationship between these landholders who have the ownership of the land and the tenants who would not have the ownership rights? This is the only point that was left to be decided after the abolition of the landlord system in our country.

So far as that is concerned, what are the precedents before us? There was the tenancy system in Ireland. Even now it is there in England and over the whole of the European continent. Their tenants are assured of a minimum tenure of five or ten years. They are also protected from being rack-rented, so that it would be one-third, one-fifth or one-fourth of the gross yield that would be obtained from the land. Subject to these two conditions, the rights of the owners or landholders are not in any way impinged upon. In the rest of the world, in the rest of the non-Communist world, anywhere you may go, in Japan and other places, these two rights have to be conferred upon the tenants. Have these rights come to be conferred or not upon the tenants in our country? That is for the Government to examine.

In Madras State it fell to the lot of my leader—at present my leader and accepted as the leader of almost everyone of us till recently—Rajaji, when he was the Chief Minister on behalf of the Congress, to introduce tenancy legislation and give the lead so far as the south was concerned, to protect the tenants of the mirasidars and the ryotwari pattadars in Tanjore District. That legislation was later on extended to the whole of Madras State and then to Andhra also. Today we have got this protective legislation to protect our tenants under the ryotwari pattadars. Is it contended—I want the Government to make it very clear—by this Government that the ryotwari tenants should be made now the owners and these roytwari pattadars are to be treated as landlords in the same way as zamindars were treated? Should the whole of their group and all their rights be abolished in the same way as the rights of the zamindars were abolished? Let them make up their mind We would like to know what they would like to do.

Somebody might say, why should their rights be protected at all? Somebody might ask, why do they want to lease out their lands to other people? In some cases it is because some of

their able bodied people have gone to the army. In some other cases it is because they have entered service. There may be some cases where they are ill, they are widows or they are little children. For these reasons they are obliged to lease out their lands. Are we going to deprive these people of their rights over their lands just because they are obliged for a temporary period to lease out their lands to others? We must make up our mind in regard to that.

If you look into the tenancy legislation of some of the States like Gujarat, Maharashtra, Uttar Pradesh you will find that it is stated there very clearly that so far as these people are concerned, they should be free to lease out land to others and they should not be treated as absentee landlords. When they have leased out their lands to other people, why should their ownership rights be affected? They do not want to lease out their land for ever and ever. They do not want to be like absentee landlords. They want to be self-employed peasants. They would like to continue as peasants. But, at the same time, for various praiseworthy reasons, for reasons relating to nation-building purposes, to get their children educated etc., they want to take leave from their cultivation for three or four years. It may be that they are not well and they would like to take leave. Therefore, they would like to lease out their land to others for a temporary period. Are we going to prevent these people from exercising this much of right? Then, in that case, what are you going to do with the landlords here who own houses, who own a number of houses? Are you going to deprive them of their houses because they have rented out their houses? Because they have rented out their houses do you mean to say that immediately those tenants should become the owners and the owners should be thrown out in the bazar? I hope that is not the policy of the Government. If that is not the policy of the Government in regard to them, why should it be different here. I have given only one instance. Why should these ordinary peasants be prevented from taking recourse to this liberty of leasing out their land to a few other peasants for a temporary period, provided, of course, there is tenancy legislation and their basic rights are protected? I would like to have an answer to this from the Government.

Who are these people? It may be said that they are all very rich people owning hundreds of acres, ten or twelve people belonging to the same home owning a number of shares, having so much of social power, prestige and status and thus exploiting other people. And they are using political power. But that cannot be said now, that the ceiling has come to be imposed in all the States in the country. Is it contended by anybody that the Supreme Court has questioned the very basis of the ceilings? It is not questioned. Now, whether some people liked the ceilings or not, when they were being imposed—I did not like them; that is a different matter—but they came to be imposed in this country. After the ceilings came to be imposed, what is the position in different parts of the country? In Kerala, I am told—I speak subject to correction—it is 3½ acres or 4 acres. How much is it?

Shri Vasudevan Nair (Ambalapuzha): It is much more.

Shri Ranga: All right. However much more it is, it cannot be more than 40 standard acres. You go anywhere you like and it cannot be more than 40 standard acres. In many places it is 5 acres or it may be 10 or 12 acres. That is all. If that is so, on what basis have they fixed it. On that also, there were many questions, doubts and criticisms made just as I questioned the right of the Government to put ceilings only on agriculturists and not on others, to discriminate against peasants in favour

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of all other classes of people, to prevent peasants alone from having the opportunity of sending their children to high schools and colleges and getting their opportunity of making their own contribution to the public services as well as the corporate sector. Many people have questioned the manner in which these ceiling limits were being fixed. Nevertheless, the Planning Commission had imposed its will and almost all the States have accepted it. And they have agreed that so far as agriculturists are concerned, no agricultural family should have an income of more than Rs. 500 per month. Just look at this year's income-tax rates—the exemption level is Rs. 3,600, besides the various concessions that have been made by the Finance Minister. All those people who get an income of less than Rs. 500 per month are specially favoured. Is it not so? The House also welcomed it. We all liked it. They are considered to be only middle-class people and they are being favoured by everybody and they are in a large number. We want their number to increase. Yet what do we find when we turn to agriculturists, we say, the ceiling is only Rs. 500 per month and not more. It was under that notion that they fixed this ceiling on standard acres. Now, is it fair to think of these people as land monopolists? How many such people would there be in any village? Out of a hundred people in a particular village, there may not be even one person whose holding can be said to reach upto the ceiling limit. In some places, there may be two; in some places, there may be three but never more than five. Out of a hundred people in any particular village, not more than 5 people are capable of getting this much. These are the topmost people. All the rest are much lower people, much poorer people, much weaker people and their holdings are much smaller. Are you going to consider all these poor people as intermediaries, as functionless people, as anti-social people not needed at all by society and, therefore, they should not be given the freedom to lease out their lands if and when on occasions they find it necessary to lease them out to somebody or the other? Just because they have the right to lease them out, must you consider them as landlords and treat them beyond the pale of constitutional protection? These are the questions which my hon. friends have to answer not only in this House but all over the country. As I said the other day, after all 1967 is coming—thank God, we are not yet a complete dictatorship—and this Government, this Parliament, all these parties, have to go and approach the people and they have got to answer these questions when they go to them. What answer would they give to these people? Is it that they are treated as estatedars and, therefore, when this Bill is passed, it gives the power to this Government to acquire anybody's land at any time, whether it is forest land or grazing land or house site or any land for cultivation? They can acquire it any time they like. Somebody might ask: Have they not that power? True, there is the Compulsory Land Acquisition Act. They can acquire anybody's land, my land or your land, subject to conditions which are already set there and those purposes must subserve, what is known to be, the public purpose. But now they have changed that idea of public purpose. They have made it as wide and broad as the Planning Commission's own notions. Therefore, for any public purpose, they can hereafter claim to acquire any land. What is the distinction between the earlier power and the present power? According to the earlier power under the Compulsory Land Acquisition Act, the peasant is treated, is known, is accepted, as the absolute owner of the land. Therefore, he must be shown good enough grounds as to why his land should be taken. That particular purpose is justiciable. Sir, supposing for constructing a school building, a site is needed and you

happen to be the acquiring authority and you are subject to certain influences and you are angry with me, you would take my land instead of somebody else's; and his land is quite close by and it can be acquired as well as that of mine. But you have got a choice and you would make that choice against me. Then, I go to the court under the Compulsory Land Acquisition Act and prove to the satisfaction of the court that somebody else's land is more suitable. If I am fortunate enough to get such an eminent jurist, as Mr. N. C. Chatterjee, to stand for me, he will be able to plead for me: "Mr. A's land is more suitable for the school. Mr. Ranga's land need not be taken at all. This is being taken for *mala fide* purposes or even for wrong purposes or because of wrong judgment. Therefore, Mr. A's land ought to be acquired, not Mr. Ranga's land." It can be argued like that. Now, if this Bill were to be passed, there is no scope for that because it has come under 'estate'. Once it comes under 'estate', then they cannot go and plead before the court. Even the purpose for which they want to take way my land will not be justiciable. I speak subject to correction. I am not a lawyer. I only look at it as a self-employed peasant does and I look at it from their point of view. It is for the Government to say I am wrong. I will be certainly glad if they come and tell me I am wrong, saying, "Yes, the interpretation of this public purpose is justiciable. We accept it. Therefore, we will not acquire anybody's land at any time by merely saying that it is for public purpose and our word is to be accepted by the court." Are they prepared to say that? I would like them to give us that assurance.

They say that they have made an amendment here. What is that amendment? For all those lands which are below the ceiling, if they were to be acquired at any time for any purpose chosen by the Government, compensation at the market rate is to be paid. So far as it goes, they think it is good and, therefore, our peasants ought to be satisfied. How can they be satisfied? What is meant by the ceiling? Is it a fixed thing in any particular State? Is it not a fact that in several States, some of the Chief Ministers so managed as to—what should I say?—quietly defay or get round the recommendation of the Planning Commission and they fixed the ceinling as they wanted it? At the same time, the Planning Commission protested against that kind of deviation. Where is the guarantee that tomorrow or day after tomorrow the same Planning Commission would not take objection to some of the ceilings and would not impose them with the help of the Prime Minister under this Government. Suppose this Government goes and some other Government, more left to this Government, were to come into power and their Planning Commission as well as their Ministry give the order to the State Governments saying, "You bring down the ceiling from 25 acres to 20 acres. No. Even 20 acres is too much; bring it down to 10 acres or 5 acres or even 2 acres. If Kerala could have put it at 3|2 acres....

Shri Vasudevan Nair: It is not correct.

Shri Ranga: How much is it? Please tell me.

Shri Vasudevan Nair: It can be even 100 acres. It is according to the quality of the land.

Shri Ranga: It is not the mere extent then. It is a matter of standard acre.

15 hrs.

Shri Surendranath Dwivedi (Kendrapara): It is 12½ acres there.

Shri Ranga: Supposing it is 12½ acres there in Kerala, where is the guarantee that another Government or the same Government with another mind would not begin to tell the other States also that if it is good enough for Kerala to have 12½ acres, it would be good enough for the other States also, and

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there should be uniformity in this matter! My hon. friend the Deputy Minister was talking about uniformity and the need for it. So, they may very well say 'Why should you not also agree to this uniformity and, therefore, bring it down to 12½ acres?'. Thereafter, if my hon. friends from the Communist Party were to have also their chance of capturing the government in Kerala, would they not like to bring it own to 3½ acres in order to satisfy their friends either in Soviet Russia or in Soriet China? They will certainly do that. When the ceiling comes down, what would happen to all these poor folk? And how many of them are there? There are millions and millions of them; there are tens of millions of peasants all over the country. As Shri S. K. Patil has already told us, we have got more than 60 million peasant families in this country who are cultivating their own lands. They are self-employed people. They have either purchased their lands or they have inherited them and they have found their own employment. They do not depend upon this Government.

Some people might say that this Government is depending upon their votes. If so, why is it so very angry and so very malicious and so very much opposed to these people? They want to liberate themselves from their control even in these elections by converting them all into agricultural workers, and once they become landless people without any hold over anything and they become rootless, then this Government can exploit them as much as they like as is being done in Soviet Russia and Soviet China.

It is said that in 1954, the proportion of those who owned less than 40 acres of land was 60 per cent. What will happen when the ceiling of all their lands would come down? All these people are small people. Their income cannot be more than Rs. 500 per month. Why should they be deprived of their rights? Why should you raise your Damocles's sword over their heads? What public purpose are you going to serve? Probably, you want to bring in co-operative farming. You know the results of co-operative farming not only in this country but in Soviet Russia and in Soviet China. You want to bring in large-scale farming. How can you bring in large-scale farming unless you deprive these people of their holdings? Once you deprive them of their own holdings, what will be their fate as well as the Government's fate?

What is the position of the 5 million goldsmiths today? Have Government been able to find any employment for them? I make this challenge to them. Will they be able to find employment for these 5 million people? Already, the number of the unemployeed educated people in our country whose names are registered with the employment exchanges runs to 6 millions. So, we have already got on our hands 11 million unemployed people. Then, there is the case of the under-employed people also. And on top of it there would be 60 million agricultural workers. Once Government bring in their tractors and other things, more than half of them would be unemployed.

Mr. Deputy-Speaker: The hon. Member should try to conclude now.

Shri Ranga: How much time have I taken?

Mr. Deputy-Speaker: The hon. Member has taken half an hour.

Shri Narasimha Reddy (Rajampet): We are entitled to have 38 minutes for our party.

Shri Ranga: I was submitting that Government would not be able to provide employment for them. Then, what will happen to them? And why do they want to bring about unemployment? They say that they do it

because they want to improve agriculture. Has the productivity gone up in Soviet Russia per acre? Is it not a fact that today Soviet Russia has found it necessary to concede some small holdings to the extent of about 2 acres to the peasants and also allow them to own cattle in order to improve their agricultural production? Is it not because of the large-scale farming and collectivisation and co-operatisation that Soviet Russia is obliged to import, as we are importng into our country, as much as 5 million tons of wheat from other countries? Therefore, I submit that co-operative farming is not going to improve production. On the other hand, it will dwarf it, and it will destroy it, and it will increase unemployment, and it will create social unrest and chaos. Then, who will be benefited by all this? Surely not these friends opposite (Congress); I am sure of that because then they will be thrown out of power. It would be the Communist friends who would reap the harvest and it is for them that my hon. friends opposite are preparing the ground. Just like the hawks and eagles which go on waiting for a patient to die so that they can pounce upon the corpse, my communist friends are waiting for that opportunity.

Shri Raghunath Singh (Varanasi): What will the Swatantra Party do then?

Shri Ranga: If we come into power, my hon. friend will be protected, and there will be democracy here in this country. He will have greater strength to control us and to see that we remain democrats . . .

Shri P. R. Patel (Patan): May I know when my hon. friend's party will come to power?

Shri Ranga: We do not know. We must live in hope. I am not like many or some of these friends who did not associate themselves at that time with Mahatma Gandhi; forty years ago, when Swaraj appeared to be nownere there on the horizon, so many of us had thrown away all we could claim as our prospects in life, and then joined Mahatma Gandhi. Then, we lived in hope, and our hopes were fulfilled and we have now achieved freedom. Similarly we live in hope now also, not merely for the sake of power for the Swatantra Party, but for power in order to protect the peasants.

Shri P. G. Menon (Mukundapuram): When did my hon. friend join Mahatma Gandhi?

Shri Ranga: Was it not in 1930? Or rather, was it not in 1917? I do not know whether my hon. friend had emerged from his high school at that time, because I was in my high school at that time.

Shri P. G. Menon: At that time, my hon. friend was in the Justice Party.

Shri Ranga: No, certainly not.

Shri Narasimha Reddy: I was in the Justice Party.

Shri Ranga: Let not my hon. friend indulge in calumny and defame himself, because he will be defaming history. What is the use of saying such things to me? Let my hon. friend please remember that I am his elder, and he has certain duties towards his elders also. We have not yet given up our idea of *dharma* in our country.

Therefore, it is wrong for this Government to think of passing this measure. It is wrong for Government to weaken the rights of these peasants and throw away the basis on which our social economy has been built up. They are the very salt of our earth. It is because of these people and their support to Mahatma Gandhi that we have been able to achieve our freedom in this country. It is because of the support that these people had given that the Congress Party has been in power during all these sixteen years. But we find that they are raising their battle axe against these peasants. Till today, they had not raised it against these peasants. Why are they raising it today? My fear is that they have a

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kind of a Soviet devil which has come to possess them and possess their leaders; it has not come to possess all of them, but it has come to possess a few of their leaders. I am prepared to make an exception even in your case, Sir. If all of you were to search your own hearts, you would certainly feel that you are suffering from this qualm of conscience, namely, 'What is this? Are we doing the right thing or not?'.

Mr. Deputy-Speaker: Let the hon. Member please leave me alone.

Shri Ranga: In Bhubaneshwar, you have taken to a new *mantra*, and under that *mantra* and under that *namasmarana* you are mesmerising yourselves to such an extent that you are prepared to get into this deluge.

Therefore, I wish to warn our friends that please for God's sake. Let them retrace their steps, even now. But I find that it is too late. Therefore, what are the prospects for our peasants?

I can assure you that even under this enactment, the State Governments have got the right to change these Acts and to amend these Acts which are going to be placed in such an infamous manner in that infamous Schedule. When we get an opportunity, we would like first of all to amend that schedule suitably in order to reinstate the peasants in their own proper rights.

Then, as regards the ceiling itself, have my hon. friends opposite got the the moral courage to say this? If they are really keen and sincere about the provisions that they have placed before the House, let them say that this is the final ceiling, and it is not going to be reduced further. Otherwise, what would happen?

Shri Bibudhendra Misra: May I point out that we are not concerned with ceiling at all under this Bill? That is a matter for the State Governments We cannot take away the right of the State Governments to have their own way of land reforms.

Shri Ranga: Unfortuntely, my hon. friend seems to have forgotten what has been written here in this Bill. In my hon. friend's own Bill, what does he read?

Shri Bibudhendra Misra: Let my hon. friend read it out.

Shri Ranga: Just as Government were remiss in their duty of looking into all those Acts at the time they put them in the Schedule, and, therefore, they put all the 124 Acts in the Schedule. and afterwards, under your chairmanship in the Joint Committee, they were made to give some thought to the matter and they had to give up 50 or 60 Acts out of the Schedule, likewise, my hon. friend seems to be again ignorant of this.

It has been provided in the proposed proviso to article 31A of the Constitution that:

> "....it shall not be lawful for the State to acquire any portion of such land as is within ceiling limit applicable to him under any law for the time being in force.".

Now, what does this mean?

Shri Bibudhendra Misra: First of all, it is very clear that so far as land reform legislation is concerned, the power lies with the State Governments. An apprehension was expressed in the Joint Committee as to what would happen to the small landholders if you take away land below ceiling. Therefore, it was provided there as part of 31A that whenever land below ceiling is taken by a new law there must be paid compensation at the market price. That is only to give an assurance to the House that it is not the intention of Government to harm the small landholders. It is their intention to protect them. But that does not vest with Parliament the power to

direct the States as to what ceilings they should have.

Shri Ranga: I cannot congratulate the Government on having this advocate to give away their own secrets.

It means this: that Government wants to have complete powers to fix ceiling anywhere they like, to give instructions to the States, to fix ceiling limit at any level they like. That is exactly my contention. They have got that right.

Mr. Deputy-Speaker: That right vests with the State legislatures.

Shri Ranga: That is why I say it is necessary for Government to assure the peasants that wherever ceiling is to be fixed in any State it would stop there and it would not be further reduced; it would be the final thing. Are they prepared to say that? No. I want them to have the moral courage to give that assurance to our peasants.

Shri Surendranath Dwivedy: Who are they to say that?

Shri Ranga: There you are. They would like to bring it down further until it becomes one acre or two acres —as in Soviet Russia.

Shri Vasudevan Nair: You are raising an unnecessary scare.

Shri Ranga: I want them to give an answer. They want to reduce it. Let them give the assurance. The Deputy Minister or this Government may not be able to do it. But this ruling party has got to give that assurance to our peasants otherwise when they go to them for their votes next time, they know their fate. We also know what would be the fate of this Government.

Shri Bibudhendra Misra: That we shall see later.

Shri Ranga: For the time being—that is what is stated. Therefore, they want to go to the peasants and tell them: 'Look here, you are all below ceiling. You are not going to be affected. Ranga is only rising a scare,—as these communist friends are saying. You are all going to be protected'. But we know that that ceiling is not going to be the final thing. It is capable of being reduced. The socialists and communists also agree with it. It will go on being reduced until it satisfies first the socialists, then the communists.

Here and now I have to deal with these Bhubaneswar socialists. In this country, there is scope only for one kind of socialism, and that is Nehru socialism. Willy-nilly the various other parties will be making their peace either with them, or they will be finding us to be their comrades.

Finally I give this warning to Government, that if they persist in these methods of keepig the peasants on tenter-hooks, making them feel insecure about the ownership of their land and not give them any kind of assurance at all that they are not likely to be treated as intermediaries, that they are not likely to be treated or dealt with in the same unceremonious way as the zamindars had been treated, and if they do not give them that assurance to the peasants, then the peasats would be justified in treating this ruling party and the framers of this legislation as well as all those people who will be voting with them as the enemies of the self-employed peasantry in this country.

Lastly, we stand for tenants' protection. We stand also for minimum wages for agricultural workers. We also stand for all the government land,—80 million acres are still in the possession of Government, or much more than what they can possibly get by this ceilings legislation—being distributed freely and on *patta* to agricultural workers so that they can also become self-employed peasants, if not for 365 days in the year, at least for a part of it, for 60 days and then for as

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many more days as posible. Let them also become self-employed peasants. Let there be the largest number of self-employed peasants and people in the country. That country which stands for self-employed peasants and people to the largest possible extent, that country which helps self-employed peasants, that country which would stand by them and encourage them, that country alone will have a future which would be worthy of great men like Buddha, Mahatma Gandhi and Rajaji.

Mr. Deputy-Speaker: We have 10 hours for this Bill. How shall we divide it between the stages?

Shri Surendranath Dwivedy: 8 hours for the first reading. There are only a few amendments.

Mr. Deputy-Speaker: Yes, 8 hours and 2 hours.

Shri P. R. Patel: My hon. friend, Shri Ranga, spoke at length as if the Swatantra Party alone is the only advocate of the peasantry of the country. I may tell him that all the members of the Joint Committee tried their level best to see that the small landholders are in no way put to any disadvantage. That was the unanimous view; Government also came forward, and we unanimously put in a suggestion that if any land is acquired below ceiling, the full market price should be paid. Once this proposition is there, I do not think there is any fear for the agriculturists that they would not be paid.

But I do not understand one thing. I do not understand the reform policy of Government. What should be that policy? The aim of the reform policy should be more production and creation of stability in the mind of the agriculturists. To me, it seems these two elementary things are wanting. The agriculturists are always living in the fear of what would happen tomorrow, what legislation would come tomorrow which would affect their lands they till. I would request Government to put an end to this and let stability in the mind of the agriculturists be created. Let them feel that they are the masters of what they have today.

Another thing is that production is going down. Every year there is an increase in land brought under cultivation. But the increase in production is not proportionate to that. Our population is increasing. So the problem before the country today is more production. I would say that unless we double our agricultural production, the country would not be able to face the future. We look to industries much more than to agriculture. So in any land reforms undertaken Government should see that production is thereby increased.

Coming to evidence tendered before us, it was stated that the yield per acre of sugar cultivation in corporate bodies came to 54 tons; one manager who appeared before us said that in his company the yield per acre was 75 tons. In the co-operative sector, the per acre yield is 42 tons, and in the case of individual farmers, much less than that. So if at all we want more production, then our policy should be oriented towards that. Now, what is happening today? Some States go against our land reform policy. In our five year plans we see sugarcane farms and other farms being exempted from the ceiling. That is the advice and recommendation. That is the policy and all the States have carried out that policy. It is only U.P. and Maharashtra that have gone against it. Should land reform policy be uniform or differ from State to State and district to district. I would request the Government to consider this.

One thing troubles my mind. We have given fundamental rights to the

citizens of the country and we proudly say so; we say that nobody can disturb it. But with regard to land legislation, I find that there are two types of fundamental rights. One is for non-agriculturist and the other is for agriculturist. If a mill or a factory worth a crore of rupees has to be acquired full market price is to be paid; that big factory is not an 'estate' even though it may be worth a crore but if a poor farmer owns half an acre or has some interest in half an acre, his interest becomes an estate which could be acquired under the specific law! I do not understand this meaning of estate even though it has been put in the land revenue code. I have read Gandhiji's speeches on the land revenue code while he was fighting in Khere district: he said at that itme that the land revenue code should be done away with as early as possible. After seventeen years of Independence the land revenue code is on the statute book; the same thing is there; there has been no change absolutely. These codes were drafted at a time when cultivators were no better than beasts; you must excuse me for saying so but they were illiterate, just like slaves. Those people in power, the middle-class and the upper middle-class or the capitalists enacted these codes at that time for protecting their interests caring little for the agriculturists. Today it pains me to say that even in Parliament or anywhere in the country the middle-class and the upper middle-class rule the country and they are influenced by the capitalists. Socialism is for the agriculturist and the poor cultivators and not for the capitalists. Fundamental rights are given to those persons who own big buildings who exact a lakh of rupees as rent but it is a fundamental right which protects them but that fundamental right is denied to an agriculturist who is owning half an acre of land. I request that fundamental rights should be the same and uniform for capitalist mill-owners and poor agriculturists.

15.25 hrs.

[SHRI THIRUMALA RAO *in the Chair*]

If you deny them to the agriculturists, deny them to the others also. I do not plead for big zamindars or big landlards. Even a person who owns one acre or two acres is termed a landlord. Suppose I have one acre of land and Birla or Kastur Bhai or Amba Lal Sethi happens to have his lands round about my one acre of land and if he gets his land cultivated by servants and managers, then that becomes a land personally cultivated by that multi-millionaire and if my one acre of land is leased out because it comes in the way and if I get Rs. 3 or Rs. 2 a year, I am a landlord and Kastur Bhai becomes my tenant. That is the present law and I am opposed to this present law. This is not land reform. This is also opposed to fundamental rights. So far as ceiling is concerned, you can have ceiling on the holding of properties, any type of properties worth Rs. 100 or 500 or five lakhs. I do not mind. But let the ceiling be common, uniform for one and all. If Mr. Sharma owns a bungalow worth one lakh of rupees, he may be protected but a poor cultivator would not be allowed to own lands under the ceiling law beyond a ceiling, which may be worth Rs. 2,000 or Rs. 3,000. That is the ceiling today and it is a discrimination. We discriminate against land owners, land-holders. My objection is to this.

Shri Koya (Kozhikode): Even in agriculture, big plantations can have any number of acres.

Shri P. R. Patel: There is a class in our country who are pleading for the landless labourers and landless persons and this class of people in our society come from the classes I mentioned; socially, economically and politically they hail from that class. They have no sympathy for the

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landless classes or landless labourers. Have sympathy for them. I have no objection. If there is land, it should be given. But if there is sympathy for landless persons, why should they not have sympathy for homeless persons? If some people have no houses, and a man has a bungalow having 30-40 rooms, why should not one or two rooms be allotted to him and the remaining rooms given to homeless persons? Take, again, the case of jobless persons. Some persons are jobless; they have no means even of livelihood. But some persons are not happy even with Rs. 2000 or Rs. 3000 a month. What are they going to do with them? This is something done in our society to create class war among the agriculturists. These intelligent persons create rift among the agriculturists, often talking of landless labour and so on.

In the end I would say that there are organisations of different persons following different occupations. Even *bhangis* have their own organisation. The Government servants also have their own organisation; even the ICS and the IAS officers have their own organisations. Every group has an organisation according to the profession it follows. It is only the poor agriculturists of this country who have no organisation. Nobody can speak for them, on their behalf, even though they constitute 80 per cent of the population.

I would say that a great responsibility lies on us to protect their interests, and if we fail to protect the interests of the agriculturists, I think it would be a bad day for us. Today, we find that in towns, among the labour also, 60 percent of the people do not vote for us. And if the agriculturists go out of our purview, if we lose the sympathy of the agriculturists, where shall we be? That is a problem I would request the Government to consider.

श्री ब० प्र० सिंह (मुंगेर) : सभापति महोदय, आज भमि सुधार के नाम से जितने काम किये जाते हैं मैं समझता हूं कि उनमें भूमि सुधार का तत्व नहीं है। आज हमारे सामने मुख्य समस्या यह नहीं है कि अन्न पैदा कौन करता है ? हमारे सामने समस्या यह है कि अधिक से अधिक अन्न देश में पैदा होना चाहिए। भूमि सुधार की बातों से पैदावार कम हो रही है। लेकिन उसके ऊपर आज किसी का ध्यान नहीं है। जब से स्वराज्य प्राप्त हुआ उसके पहले कांग्रेस के प्लेटफार्म से जितनी बातें किसानों के सम्बन्ध में कही गईं, आज उन सारी बातों को लोग भूल रहे हैं ।

हरिपुरा कांग्रेस में कहा गया था कि स्वराज्य स्थापित होने पर जमीन का लगान आधा कर दिया जायगा लेकिन आज जब कभी सरकार को पैसे की कमी होती है तो लगान में बढ़ोतरी की बात आती है। किसानों के सम्बन्ध में जो, जो वायदे किये गये थे उनमें से एक भी वायदे की पूर्ति आज नहीं हो रही है। थोड़े दिन के बीच में जब कि जमींदार लोग थे उस समय किसानों के सुधार का कुछ काम हुआ लेकिन जब सरकार स्वयं जमींदार हो गई तो सारे सुधार बन्द हो गये। उसका मैं एक उदाहरण आपको देता हूं। बिहार में लगान के बकाये में पार्ट होल्डिंग ही उतने ही मूल्य की नीलाम होती थी लेकिन जब सरकार की जमींदारी हो गयी तो पार्ट होल्डिंग का नीलाम होना खत्म हो गया और अब जिस किसान के पास अन-एकोनामिक होल्डिंग भी है, किसान के बकाया लगान के लिए किसान की जो चल सम्पत्ति होती है उसको कुर्क कर लिया जाता है और किसान को गिरफ्तार कर लेते हैं। इसलिए पहले की अपेक्षा किसानों के साथ अधिक सख्ती बरती जा रही है।

इसके साथ ही साथ मैं एक बात नहीं समझ सका कि आज भूमि सुधार के नाम पर कौन कौन से काम हो रहे हैं। फंडामेंटल राइट्स के अनुसार आपने वायदा किया था कि किसी की जमीन अथवा सम्पत्ति उसको उचित मुआविजा दिये बगैर सरकार द्वारा नहीं ली जायगी लेकिन आज हम देख रहे हैं कि एक के बाद एक सम्बन्धित धारा को संशोधित करते जा रहे हैं। धारा ३१ को संशोधन किया और उसे और भी संशोधन करने जा रहे हैं। यदि आप किसानों की जमीनों को लेना चाहते हैं तो उनको आपको उचित मुआविजा देना चाहिए। जब कि संविधान का पहले संशोधन हुआ था उस समय माननीय नेहरू जी ने कहा था कि क्या आप समझते हैं कि हम मुआविजा नहीं देने जा रहे हैं ? हमने जवाब दिया था कि यदि आप मुआविजा देने जा रहे हैं तो फिर इस बिल की कोई जरूरत नहीं है। आज हम नहीं समझ सकते हैं कि किसानों की क्या परिस्थिति है ? आज आप भ्रष्टाचार दूर करने की बात करते हैं । जिस देश के एक व्यक्ति की आमदनी साढ़े सात आने हो उस देश का मिनिस्टर ६५०० रुपया पाता हो, उसके ऊपर ६५०० रुपया माहवार खर्च होता हो तो यह भ्रष्टाचार है या नहीं ? मैं भ्रष्टाचार की परिभाषा चाहता हूं। आज बहुत सी बातें की जाती हैं। गरीबी दूर करने की बात कही जाती है लेकिन यह सारी बातें हमारी समझ में नहीं आतीं। अगर आज आप जमीन की पैदावार बढ़ाना चाहते हैं तो आप इंगलैंड की तरह एक स्टैण्डर्ड आफ कल्टीवेशन फिक्स कर दीजिये और उसके मुताबिक जो लागान अदा न करे उसकी जमीन आप ले लीजिये। अगर आप यह समझते हैं कि इतनी उर्वरक खाद देकर आप किसानों की जमीन की पैदावार बढ़ायेंगे तो यह संभव नहीं है। उर्वरक की व्यवस्था करने से पैदावार बढ़ सकती है लेकिन उसके साथ ही किसानों की भूमि की भी आपको जांच करनी होगी। किसानों को बतलाना पड़ेगा कि उसमें किस तरीके की खाद देनी चाहिए। जब तक जमीन की मिट्टी की जांच नहीं करते हैं कोई लाभ नहीं हो सकता है।

आज आप कहते हैं कि जमीन किसकी है, टिलर्स आफ दी सुवायेल की जमीन होगी। इंटरमीडिएरीज को हटा कर खुद सरकार जमींदार बनती है। उचित तो यह होता कि किसानों का भूमि लगान माफ़ होना चाहिए, या कम से कम ३००० या ३६०० तक शहरी लोगों की जिनकी सालाना आमदनी होती है और जिस तरह से उन पर सरकार द्वारा कोई टैक्स नहीं लिया जाता है उसी तरह से ऐसे किसान जिनकी कि जमीन से ३००० या ३६०० रुपये की वार्षिक आमदनी होती है उन पर कोई लगान नहीं होना चाहिए।

मैं लगान के सम्बन्ध में इस पार्लियामेंट में बहुत बार पहले भी निवेदन कर चुका हूं। यह लगान की पद्धति अमरीका के समय से शुद्ध हुई। मनु के समय में लगान पैदावार का बारहवां हिस्सा होता था, गौतम के समय में में दसवां हिस्सा हुआ, चाणक्य के समय में छठवां हिस्सा था और आज आपके शासन काल में यह हाफ एंड हाफ की बेसिस पर है। किसानों के साथ कांग्रेस प्लेटफार्म से जो वायदे किये गये थे आप उनकी पूर्ति नहीं कर सके। जैसा कि हमारे श्री पी० आर० पटेल ने कहा कि सभी वर्गों के संगठन हैं और वे लोग अपने अपने संगठनों के जरिये से अपनी बात करते हैं लेकिन किसानों का कोई ऐसा जबरदस्त संगठन नहीं है। आज आप देखें कि १९४७ में जितना आपके शासन का खर्च था उससे आज आपका दस गुना खर्चा बढ़ गया है। अगर आप अपने प्रशासन का खर्च कम करना चाहते हैं तो आप एक परसेंटेज फिक्स करें जिस तरह कि लोकल बाडीज में होता है। आप ऐडमिनिस्ट्रेशन की एक परसेंटेज फिक्स कीजिये। लोकल बाडीज में ऐसा है कि जहां १०० रुपये खर्च होते हैं वहां पर २० रुपये से अधिक

[श्री ब० प्र० सिंह]

एक्जीक्यूटिव में खर्च नहीं हो सकता है। आप शासन में खर्चे की एक परसेंटेज फिक्स कर दें।

आज अगर राज्य कर्मचारी महंगाई के कारण अपने वेतन और भत्तों में वृद्धि के लिए मांग करते हैं और आन्दोलन व सत्याग्रह तक की नौबत आ जाती है और यदि आप उन के भत्तों और वेतन आदि में बढ़ोतरी करते हैं तो हमें उसमें कोई ऐतराज नहीं है। छोटे कर्मचारियों को आप अवश्य राहत दें। लेकिन उस के साथ ही सरकार को यह भी ध्यान रखना चाहिये कि किसान के ऊपर लगान का भार अधिक न पड़े। अभी हाल में हम ने देखा कि बिहार में सरकारी कर्मचारियों को दिक्कत हुई, उन की तनख्वाहों व भत्तों में वृद्धि हुई और परिणामस्वरूप उन को ढाई करोड़ रुपये की वृद्धि दी गई है। आज बिहार सरकार चाहती है कि ५ करोड़ रुपया हो जाय। ढाई करोड़ रुपये का खर्च बढ़ गया, उन छोटे कर्मचारियों को भत्तों आदि में राहत देना जरूरी समझा गया लेकिन मेरा कहना है कि जब आप के पास में पैसे की कमी है तो जो मिनिस्टर्स लोग हैं अथवा बड़े बड़े सरकारी अफसरान हैं वे अपने मोटे मोटे भत्ते और लम्बी लम्बी तनख्वाहें कम कर के कर्मचारियों के सामने एक आदर्श उपस्थित करते। आज हम महात्मा गांधी का नाम लेते हैं लेकिन महात्मा गांधी के कहे अनुसार काम एक भी नहीं करना चाहते हैं। जरूरत आज इस बात की है कि हर एक प्रशासक को हर एक व्यवस्थापक को किसान की तरह सादा व सस्ता जीवन व्यतीत करना चाहिये। किसान का सा जीवन आप लोग बिताइये, जिस तरीके से किसान रहते हैं, खाते हैं, पीते हैं उसी तरह से आप भी करिये और देशवासियों के सामने एक आदर्श उपस्थित कीजिये और ऐसा यदि आप ने किया तो आप काफी रुपया अपना बचा सकेंगे। आज आप जो लोन ले कर और किसानों पर टैक्स बढ़ा कर देश को आगे बढ़ाने की कोशिश कर रहे हैं यह सही नहीं है और इस तरह आप अपने उद्देश्य में कदापि सफल नहीं होने वाले हैं। देहात में कहावत है कि डर किस का, जिस का धारते हैं और जिसके राज में बसते हैं। सभी देशों से आप ने कर्ज में रुपया लिया है उसके बदले आप जीवन में यदि सादगी लायें तो इस कर्ज लेने को बन्द कर सकते थे। यदि आप देश की पैदावार बढ़ाना चाहते हैं तो आप इंगलैंड का इस बारे में अनुकरण कीजिये। उनके स्टैन्डर्ड औफ़ कलटीवेशन का अनुकरण करें। अगर प्रोडक्शन कौस्ट अधिक हो गई तो किसानों को सबसिडी दी जाती है और दूसरी ओर जनता को मुनासिब और कम मूल्य पर गल्ला दिया जाता है। यही चीज आप अपने देश में भी करें। किसानों को उन की उपज के मुनासिब दाम दें, कौस्ट आफ प्रोडक्शन को ध्यान में रख कर सही दाम उन को पैदावार के दें। प्रोडक्शन कौस्ट का आधार भी ठीक तरीके से बनाना चाहिये। सरकारी कर्मचारी प्रोडक्शन कौस्ट ग़लत आधार पर बनाते हैं। जो सरकारी फार्म पर काम करते हैं उस के आधार पर प्रोडक्शन कौस्ट बनाइये उसके आधार पर किसानों को पैसा दिया जाय। किसानों को अगर जरूरत समझी जाय तो सबसिडी दी जाय और दूसरी ओर सर्वसाधारण जनता को सस्ती दर पर सरकार सबसिडी दे कर गल्ला मुहैया कराये। इन तरीकों से आप देश में पैदावार बढ़ा सकते हैं।

आज देश में क्या स्थिति है? यहां पर ७० प्रतिशत आदमी खेत में काम करते हैं, इंगलैंड में ४ प्रतिशत: काम करते हैं, अमरीका में ७ प्रतिशत: काम करते हैं, उन देशों में हमारी अपेक्षा कोई जमीन ज्यादा नहीं है, जितनी जमीन उन के पास है उतनी जमीन हमारे पास भी है लेकिन उतनी पैदावार हम अपने यहां नहीं करते हैं। ३७ करोड़ एकड़ जमीन में हम खेती करते हैं, २३ करोड़

एकड़ ज़मीन बेकार पड़ी हुई है जिस में कि आप पैदावार नहीं करते हैं और उस २३ करोड़ एकड़ ज़मीन में खेती अनाज और फल की खेती करके पैदावार बढ़ाई जा सकती है। आप जानते नहीं हैं कि कैसे पैदावार करनी चाहिए। एक बार जब मैंने प्लानिंग कमिशन के मैम्बर्स से कहा कि २३ करोड़ एकड़ ज़मीन हमारी बेकार पड़ी हुई है जिस को कि हम खेती के लायक बना सकते हैं और इस तरह से अपनी पैदावार को बढ़ा सकते हैं तो उस के एक बड़े अधिकारी ने मुझ से पूछा कि यह फीगर आप कहां से लाये हैं तो मैंने उन को जवाब दिया कि यह फ़ीगर मैं ने आप की किताब में से ही ली है। फर्क मुझ में और आप में इतना है कि आप में किताबी ज्ञान तो है लेकिन व्यावहारिक ज्ञान आप को नहीं है। खाली किताबी ज्ञान ही इस में पर्याप्त सिद्ध नहीं होता है। किताबी ज्ञान और व्यावहारिक ज्ञान दोनों का समन्वय करने से ही देश में अनाज की पैदावार बढ़ाई जा सकती है अन्यथा वह बढ़ने वाली नहीं है। पैदावार बढ़ाने के बहुत से तरीक़े हैं। भूमि सुधार करने की बात तो हम लोग बहुत करते हैं लेकिन खेती की पैदावार किस तरीक़े से बढ़ सकती है वह व्यावहारिक तरीक़े हम नहीं जानते हैं और उन को नहीं अपनाते हैं। चीन में किसान अपनी ज़मीन का ५० परसेंट तक सबलैट कर सकता है जबकि आप सबलैटिंग को ग़लत समझते हैं और सबलैटिंग को आप कहते हैं कि यह एक्सप्लायटेशन है। लेकिन हम कहते हैं कि सबलेटिंग एक्सप्लायटेशन भी है और सबलेटिंग कोआपरेशन भी है। वह एक्सप्लायटेशन किस हालत में है?—वह एक्सप्लायटेशन उस हालत में है कि शहर के रहने वाले किसी आदमी की देहात में खेती होती है, लेकिन वह वहां पर जाता नहीं है। लेकिन अगर देहात का कोई आदमी अपनी ज़मीन दूसरे किसानों को देता है और उनके साथ मिल कर काम करता है, तो उस अवस्था में वह कोआपरेशन है।

सरकार कुछ जानती नहीं है और इसलिए वह कहती है कि सबलेटिंग एक्सप्लायटेशन है। मैं कहना चाहता हूं कि सबलेटिंग न करने की वजह से आज देश में पैदावार में कमी हो रही है। मैं यह नहीं कहता हूं कि बहुत बड़ी मात्रा में सबलेटिंग करने दी जाये, लेकिन जैसाकि चाइना में होता है, कम से कम पचास परसेंट तक सबलेटिंग की इजाजत दी जानी चाहिये।

सरकार की ओर से को-आपरेटिव फ़ार्मिन्ग की बात की जाती है। को-आपरेटिव फ़ार्मिन्ग चार तरह की हो सकती है। सरकार का उद्देश्य है कि ज्वायंट को-आपरेटिव फ़ार्मिन्ग करेंगे, लेकिन उस में कर के संबंध में कोई विधान या कायदा नहीं है।

सरकार जिस तरीके से काम कर रही है उस से पैदावार नहीं बढ़ सकती है। सरकार संविधान में इसलिए संशोधन कर रही है कि वह किसानों की ज़मीन ले सके। परन्तु क्या इस बारे में साधारण कानून से काम चलने वाला नहीं है? उस से काम चल सकता है। अगर सरकार किसानों की कोई ज़मीन पब्लिक परपज के लिए लेना चाहती है, तो वह उनको मुआविज़ा दे कर ले। यह एक साधारण सी बात है। सरकार जितने भी सुधार करना चाहती है, वे सब किसानों के बारे में करना चाहती है। आज किसानों की क्या आमदनी है? इस देश में प्रति-व्यक्ति आमदनी साढ़े सात आने है, परन्तु किसान की आमदनी केवल चार आने है। फिर भी सरकार कहती है कि किसान बहुत बड़ा है, उसकी ज़मीन लेकर दूसरों को दे दो। मैं कहना चाहता हूं कि गड्ढा खोद कर गड्ढा नहीं भरा जा सकता है। गड्ढा भरने के लिए पहाड़ खोदना पड़ेगा। जो बड़ीबड़ी आमदनी वाले हैं, उन को सरकार छूना भी नहीं चाहती है।

जैसाकि एक मित्र ने कहा है, सरकार को इस बात की बहुत फिक्र है कि सब लोगों के पास ज़मीन नहीं है। लेकिन क्या उस को कभी इस बात की भी फिक्र होती है कि सब लोगों के पास घर नहीं हैं। दिल्ली में एक

(श्री ब० प्र० सिंह)

तरफ तो बड़े बड़े भवनों और बिल्डिंगों के मालिक हैं और दूसरी तरफ बहुत से लोगों को सिर छिपाने के लिए जगह नहीं है। क्या सरकार इस तरह से समता ला सकती है ?

हम लोगों ने भुवनेश्वर में जो प्रस्ताव पास किया, उस से बहुत लोगों को आशा हुई। परन्तु उस को कार्यान्वित करने के सम्बन्ध में कोई समय निर्दिष्ट नहीं किया गया है। सरकार को समय निर्दिष्ट कर देना चाहिये कि हम इतने बरसों में इस सिद्धान्त को लागू कर देंगे। सरकार की ओर से सोशलिस्टिक पैटर्न की बात की जाती है, लेकिन उस में न्यूनतम और उच्चतम आय में क्या अन्तर होगा, यह बताने के लिए वह तैयार नहीं है। अगर न्यूनतम और उच्चतम आय में १ और ६ का अन्तर रखा जाये, तो यदि एक चपरासी की आमदनी ३० रुपये है, तो मिनिस्टर की आय १८० रुपये से बेशी नहीं होनी चाहिये। ऐसी बात सरकार नहीं कहना चाहती है।

सरकार इस बात को चाहे कानून के रूप में लागू न करे, लेकिन सिद्धान्त रूप से इस बात को कुबूल किया जाना चाहिये। कहा जाता है कि श्री श्रीमन्नारायण जी कहते हैं कि १ और २० का अन्तर होना चाहिये। मैं कहता हूं कि १ और २० का अन्तर ही मान लिया जाये, लेकिन जो प्रस्ताव पास किया जाये, उस को पूरी तरह से कार्यान्वित किया जाना चाहिये, उस के पीछे काम करने की पद्धति होनी चाहिये और उस आदर्श को हमेशा सामने रखना चाहिये। केवल प्रस्ताव पास करने और उन की चर्चा करते रहने से काम नहीं चलेगा।

इसराइल को छोड़ कर को-आपरेटिव फार्मिंग दुनिया में किसी भी देश में सक्सैसफुल नहीं हुआ है। अगर सरकार कलेक्टिव फ़ार्मिंग करना चाहती है, तो करे। रूस और चीन में उस का प्रयोग किया गया है और वह वहां पर बिल्कुल फ़ेल हुआ है।

सरकार कांस्टीट्यूशन (सैवेन्टीन्थ एमेंडमेंट) बिल के जरिये से किसानों की कोई भी जमीन कुछ भी मुआवजा दे कर लेना चाहती है। मैं कहना चाहता हूं कि इस बारे में पहले ही कानून बना हुआ है। उस के अन्तर्गत सरकार मुआवजा दे कर किसानों की कोई भी सम्पत्ति ले सकती है। हम को अपने संविधान की प्रतिष्ठा करनी चाहिये। अगर सरकार इस तरीके से संविधान में परिवर्तन करती रहेगी, तो लोगों का विश्वास सरकार और संविधान से उठ जायेगा और वे समझेंगे कि सरकार अपने मन की मर्जी के मुताबिक जो चाहे, वह कर लेती है।

इस बारे में यह भी कहा जाता है कि संविधान में यह संशोधन इसलिए किया जा रहा है कि किसानों की जमीन ले कर उनको कोई मुआवजा न देना पड़े। मैं कहना चाहता हूं कि यह तो दिन-दहाड़े लूट की बात है। आज बड़े बड़े मिल-ओनर्ज और पूंजीपतियों के पास जो धन एकत्र हो रहा है, उन की पूंजी में जो दिन-प्रति-दिन वृद्धि हो रही है, उस पर प्रतिबन्ध लगाने के लिये सरकार कोई कदम नहीं उठा रही है।

मेरा निवेदन है कि इस कानून को स्थगित किया जाये और इस के सम्बन्ध में जनता की राय जानने के लिए इस को सारे देश में प्रचारित किया जाये। इस के बारे में मत-संग्रह किया जाये और इस बात का पता लगाया जाये कि देश की जनता की इस बिल के बारे में क्या राय है। थोड़े से आदमी यहां बैठ कर किसानों के सम्बन्ध में जो कुछ भी चाहें पास कर सकते हैं, लेकिन मैं कहना चाहता हूं कि आज किसानों की अवस्था सभी वर्गों से गई गुजरी है। आज किसान की आमदनी ११० रुपये मासिक है, जबकि देश की पर कैपिटा आय २९४ रुपये है।

मैं यह भी सुझाव देना चाहता हूं कि किसानों की समस्या को जानने के लिए एक कमीशन कायम किया जाये, जो कि उन की आर्थिक स्थिति की जांच करे। सरकार को ऐसा कोई भी काम नहीं करना चाहिये,

जोकि किसानों के हित के प्रतिकूल हो । सरकार ने जो साधारण सी प्रतिज्ञायें की हैं, वह उन की पूर्ति नहीं कर रही है । इस कारण किसानों में सरकार के प्रति अविश्वास पैदा हो रहा है । सरकार को समझना चाहिये कि किसान उस का साथ क्यों देते हैं । किसान उस का साथ इसलिए नहीं देते हैं कि वह बड़ी ईमानदार है । किसान समझता है कि जितने आदमी उस के सामने हैं, उन में से यह सरकार सब से अच्छी है । इस लिए किसान सरकार का साथ देता है । सरकार को किसानों की दशा की तरफ़ विशेष ध्यान देना चाहिये ।

Shri Surendranath Dwivedy: Sir, I am glad that in the Joint Committee an amendment was accepted because of which it is possible for me today to stand here and extend my support to this Bill. You may remember, Sir, that when this Bill was first discussed in this House for reference to the Joint Committee, all that we urged was this: Although in principle there should be no objection to amend the Constitution for the purpose in view, we must see to it that the small peasants are protected—not only their lands, but also their buildings and other structures. The Joint Committee, after a great deal of deliberation accepted that so far as the lands of the small peasants are concerned, if they come under the ceiling of any State, then the ordinary processes of law would be applicable to them when land is acquired for any public purpose. I think that would have greatly satisfied my hon. friend, Prof. Ranga, who was so vehemently opposed to this Bill from the very beginning.

I heard him very carefully. If I may be pardoned for saying so, it is not the Bill that he is opposing. He is opposed to the very principle of land reforms as visualised by the country as a whole. He wants to protect the peasant proprietors. I might say I am one with him. We do not accept this theory that land should be nationalised in this country. I do not think in any democracy, anybody would accept this policy of expropriating peasant proprietors. But his fear is that once this sort of principle is introduced and the State is vested with more and more powers, then it will have unlimited authority to go to any extent it likes and ultimately if the State comes into the hands of persons who believe in expropriation, then probably there is no remedy. I think he will agree that if a State has to play a part, the individual citizen in this country has to forego certain of his rights and place them in the hands of the State for public good. That every citizen in this country has to accept. Therefore, in the present state of affairs, where we have a written Constitution, a judiciary and all the processes of law in operation and, above all, the Parliament which has the supreme right to safeguard the interests of the people, we should not have any fear on that account.

He was pleading about the ceiling. He was pleading very much, saying, let this Government at the Centre issue instructions that the present ceiling as it exists in different States should not be disturbed. Actually I interrupted him, because my own view is that in some of the States, from social justice point of view and also from the point of view of the policy enunciated by the Planning Commission, the ceiling law is unfair and more favourable to the landed interests than to the peasantry. There is a need today for the change of ceiling laws in the different States of the country. If no protection should be given and if this is not to be supported, it is not to be supported because this Government has not taken any steps to see that such ceiling laws are changed. It is because this Government has not taken any steps to see that the ceiling laws as they exist in different States today are changed. My recommendation would be that this should be done.

If we have not enough agricultural production, it is because the peasant

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in the country today does not know where he stands. The land tenure laws have not yet been codified. The ceiling laws, as I stated, in most of the States have not been changed. Because of the landed interests who dominate the State Governments and State politics, they have an upper hand and therefore the peasants do not get a fair deal. We are giving protection to certain laws. You will find that there are enactments which have been made as early as 1960 and 1958. Yet they have not been implemented in those particular States till now. What has happened is, taking advantage of this Bill the actual transfer of lands has already taken place and partition deeds have been executed. The result is, when as a result of this Bill those particular Acts are going to be implemented in those States, there would be practically no surplus left for the landless or the small peasantry amongst whom this land was proposed to be distributed. The very purpose of the land reform is defeated by taking recourse to these dialatory tactics. This Government has never moved in that matter. It has never asked the respective State Governments, not even the Congress Party at the Centre—it may not be the Congress Parliamentary Party but the Congress High Command which comes forward with such high sounding slogans about socialism—has ever bothered its head to know how it is that this very question which affects millions of our countrymen and which actually hampers agricultural production—this very primary factor—has not been taken into consideration and the State Governments have been so slow in the implementation of the agrarian laws.

I am not happy the way the Constitution is being amended. When the original Bill was introduced in this House they gave a list of as many as 124 Acts. I am giving out no secret. When it was being discussed, without the Joint Committee itself scrutinising those Acts, from the Government's side they themselves came forward and said that certain Acts were not necessary to be included and those Acts could be omitted. What does that mean? It means they have not applied their mind to the existing laws as they are prevalent in different States. They have not cared to examine what their character is, how they are functioning, for how long they have been in existence and so on. They have never bothered their heads about it. On any recommendation coming from the State they thought it proper, in order to satisfy them, to embody it in the Act. When they did not find any valid reason in support of the inclusion of those Acts, ultimately it was agreed that they should be dropped.

They also manoeuvred to do things for political reasons. I would agree to a certain extent with Shri Ranga, that the motive behind such amendments and such Bills is not always agrarian but political also. I will take, for instance, the Kerala Land Reforms Bill, the very purpose for which this Constitution (Amendment) Bill was introduced, the Bill that was passed and that was challenged in the Supreme Court. You will be surprised to learn that that particular Act was okayed by the Planning Commission, by the then Central Government and by the State legislature. There was no occasion to amend that Act again.

15.56 hrs.

[MR. SPEAKER *in the Chair*]

As soon as there was a change of Government, without any valid reason they changed it. For what purpose did they change it? They changed it to suit the purposes of large landowners who are the main support of the present Congress Party in Kerala. How was it brought about? We, some of us, objected to it. Now, luckily for them and unluckily for us, the deliberations of the Joint Committee were not over before the Act was passed

in Kerala. That very Act was not included in the list that was given to us in this House. Then, that very Act which was passed after this Bill was introduced was brought for discussion in the Joint Committee and was ultimately included in the Schedule. I do not think this is fair. Why was that Act, which was repealed by the State legislature, brought in. Had the Planning Commission no duty in this matter? The Planning Commission which is the main element, the main institution behind this legislation know their responsibility well. They should have asked the Central Government to issue instructions to the State Government saying that when we were in the midst of a discussion to amend the Constitution for that very purpose and when that particular Act was in conformity with the policy laid down by the Planning Commission and the Central Government, they should not change that very Act. If even after that they had done so and if that was going to be challenged in the Supreme Court, I think we should not have given protection to that sort of a measure.

The argument that I am advancing is this. Although the principles are quite good, there is the question of implementation. The whole idea is not really that but to release forces or to make laws which will make our agrarian reform an easier process and make the agrarian sector somewhat satisfied to go forward. Sometimes that purpose is defeated because of political considerations. There lies the real danger. It is not that we are giving more powers to the Government for such purposes. That is my real grievance against this Government, that they are not dealing with this matter only for agrarian reform purposes.

Then, the question of rural and urban ceiling is a very important issue before us. When we are going to enact such laws and from the social justice point of view we are going to upset the entire rural society and their economy—more or less by enactment of ceiling laws we are putting a limit on the income of the peasants—if at the same time Government does not take steps to put a ceiling on the urban income, then we are deliberately making an imbalance in the society. With the growth of industrialisation, it is likely that in this country, at the cost of the peasantry, the entire urban and industrial sector will be dominant and the poorer sections of this country will suffer. It will not lead to an egalitarian society nor is it possible under the circumstances to get the support of the large bulk of the peasants, millions of them, to work enthusiastically for the success of the society as a whole. There will be resistance. There may be a great tussle between these urban interests and the rural interests. That is bound to come unless, when more and more we are going to introduce these laws which are very necessary, we also pay attention to this aspect of our development which is very necessary, according to me, at this stage of our economic development.

16 hrs.

I would now refer to one or two things more. It is not also very proper for the Parliament here to give protection to Acts which were challenged by courts and which may be said to be impugned Acts. We supported these things willl-nilly because we thought that even the little relief that is given under the Act should be implemented and should not be delayed by challenges in the courts, etc. But I was surprised to find that as regards some of the Acts which were invalidated by the Supreme Court, even two or three years back, the State Legislatures and the State Governments have not thought it proper to amend them and make them okayed. This is not a happy precedent. It is not a good precedent for the Parliament to give protection to laws which have been declared invalid by the courts.

Shri Bibudhendra Misra: In the First Constitution Amendment also you did it. You gave protection there.

Shri Surendranath Dwivedy: That is what I say. No proper thinking is given to these questions. Because you had done once, you must do it now. Because one wrong you committed, you must commit it as many times as possible. That is not a very good precedent that you are creating. We cannot thank ourselves that we are doing a very good job by giving protection to laws which have been declared invalid by the Supreme Court. There are some Acts which have been given protection under the Schedule because of a very definite purpose. I would like to have an assurance from the Government, if it is possible for this Government to give us, as to whether they have enquired from the State Governments why the Acts which were passed long ago, have not been implemented, in how many States actually the ceiling on land has been fixed and what is the surplus land available today and how much of it has been distributed to how many peasants and all that. If you have that account, if the Government comes forward with a statement like that, then probably even friends like Mr. Ranga who are great opponents of this Bill will realise that really by these laws small peasants have been benefited. But in actual practice it is all rather a paper legislation which is not working anywhere and if anything is done it is giving more benefits to the big land owners. I would like Mr. Ranga to appreciate that the smaller the landowner, the greater the production. That is why he is opposed to cooperative and collective farming. As you know, Sir, in other countries, collective farming has not been a success and that is because of different reasons. If that is so, it is all the more reason why the lands should be distributed and given to small landowners. As we have abolished zamindari, we should also have abolished these big landowners as much as possible. Cooperative farming—of course, it has nothing to do with this Bill—has to come in this country and that will come on a voluntary basis. Everywhere small land-owners have mutual aid teams as existing, in actual practice, in villages today. There are small land-owners who have 1 acre or 1½ acres who cannot afford to have ploughs and other necessities for agricultural purpose. They voluntarily exchange their labour and other things and that is how they carry on. If we want cooperative farming in this country to be a success, we want such a cooperation which exists even now unofficially on a voluntary basis amongst the villagers. That should be organised in a proper manner so that we get more production for our country, and that can only be done when you put a limit on the intermediaries and the big land-owners and the surplus is distributed. Whether we can provide it or not—this is a difficult proposition—but it should be our aim to see that every small peasant and landless peasant is provided with land so that he can join these cooperatives to work for the common good. That should be our purpose. In that way only, cooperative farming can develop in this country. By giving protection to the small peasants, by introducing laws to put a limit on the big landowners, by distributing surplus lands amongst the peasantry, we can create an atmosphere in the country in which, given other necessities for the peasants to prosper, this country can make a great headway in agricultural production.

With these few words, I extend my support to the present Bill. At the same time I would urge upon the Government and request them that before they amend the Constitution, let either the Planning Commission or the Central Government take a comprehensive view and reassess and review the entire land reforms as they are existing now and what is the plan before them. Once they do that, then probably they should not come

forward with so many amendments. There should be one comprehensive legislation which will give protection to all the principles that we want to introduce in this country. There will then be a systematic growth and a systematic increase in agricultural production.

With these words I support the present Bill.

Shri Bibudhendra Misra: Sir, before you call upon some other hon. Members to speak, would you please permit me to explain the accusation made by Mr. Dwivedy that the Government had political manoeuvring in the Joint Committee.....

Shri Surendranath Dwivedy: I did not say, it was in the Joint Committee. I only said there was political manoeuvring.

Shri Bibudhendra Misra: Political manoeuvring. That will clear up certain impressions. He said that the Kerala Agrarian Relation Act found a place in the Bill that was introduced in the House and he wanted to know why it was not retained in this Bill and why is it that the Kerala Land Reforms Act.....

Shri Surendranath Dwivedy: My objection was to the inclusion of the new Act.

Shri Bibudhendra Misra: Yes, and why that was not included here. So far as the Kerala Agrarian Relations Act is concerned, it was certainly there in the Bill itself. But then, Sir, that does not take away the power of the State Legislature under article 31B either to amend it or repeal it. What is the purpose of putting a statute in the 9th Schedule if it remains a dead letter? It will have no force at all.

It is for the State Government to decide. So, they repealed it and in its place they had the Kerala Land Reforms Act, and they wanted up to include that Act. This was discussed in the Joint Committee and then included. We have absolutely no power on the State Government to ask them not to repeal it. That is beyond our competence.

Shri Surendranath Dwivedy: My objection was to the new Act being included in the Schedule. I know that the earlier one was repealed.

Mr. Speaker: That is what the hon. Deputy Minister has said.

Shri Surendranath Dwivedy: In the Schedule, originally it was not there, but later on it was included.

Shri Karuthiruman (Gobichetipalayam): The present Constitution Amendment Bill has been necessitated because of an interpretation put up on the word 'estate' by the Supreme Court.

Many hon. Members have objected to our amending the Constitution. I would submit that we have framed the Constitution for the benefit of the people. So. whenever it is necessary to amend it for the benefit of the people, we should do so, and that is a reasonable thing that we should amend it for the benefit of the people.

So far as the present amending Bill is concerned it is confined only to land and land reforms. Of course, land reform is necessary, and under the land reform legislation, a ceiling is laid down, and everybody is confined only to that ceiling. But what is required is a real change or reform in the heart of the people. We may pass any amount of land reform legislations, but they would be of no avail unless there is a real change in the heart of the people. If we think that we may pass land legislation, and people will have only lands up to the ceilings. and then everything will be all right, and people will be very happy and they will produce more and productivity will increase, that is a wrong notion and that is a wrong policy. Unless there is security for the peasants, and unless there is security in the proprietorship of

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land, it will not in any way help to increase the productivity of the land.

As I have already mentioned on ever so many occasions, there is a confusion going on in regard to the ceilings. It is said that there should be land reforms and ceiling on the incomes, but then they start with imposing a ceiling only on the unfortunate rural people, and there is no ceiling on urban incomes and urban earnings. If in this Constitution Amendment Bill, it had been stated that there will be a ceiling for each and every type of property, I would have been very happy to receive this Bill. But here, Government have only provided that any land can be acquired for a public purpose, and they will fix the value, and once that is done, the owners of the land cannot go to the court. That is the provision in the Bill, if I understand it correctly.

Here, I would refer to what has happened in my own constituency, for the information of the hon. Minister. The law-abiding people have not at all benefited. It is only those who had gone to the courts who had benefited enormously. In the construction of the Lower Bhavani project in my constituency in 1952, many lands were acquired by Government, both dry lands and also wet lands. The authorities approached the people for their lands, and they told them that they would give the maximum compensation possible. The result was that they were given only Rs. 300 to Rs. 400 per acre. The law-abiding people took that compensation at that rate. But those people who did not get the compensation to their satisfaction went to court and got compensation to the tune of Rs. 2000 per acre. The law-abiding people, the people who obeyed the authorities and who thought that Government would render justice to them got only Rs. 300 to Rs. 400 per acre, whereas those who were not so law-abiding went to court and got what they wanted; they knew how to go to court and get things done and they got compensation at the rate of Rs. 2000 to Rs. 7000 per acre. Is it not a reasonable thing to expect that in our country where more than 50 per cent of the people are illiterate and do not know how to go to courts and get all the things done for themselves, we should be their protectors and the guarantors of their property, and we should give them reasonable compensation ourselves, and not allow a situation in which the people who go to courts get more compensation while those who are law-abiding get lesser compensation?

Therefore, I am afraid that under the present Bill, the Government authorities should not have the final say in regard to the fixation of the compensation, but it should be left open to the people to go to courts of law and get justice from them.

A distinction is also made between property owned by one self and property owned by a peasant by tenancy. Apparently, the Planning Commission and even the Ministers probably do not understand the rural people and the leadership in the rural areas of the country. Suppose a landlord has got 100 acres of land, or even supposing that the ceiling is only 30 acres, and he has got 30 acres of land; still, he cannot be happy in the village unless he depends upon certain other people, unless he has certain peasants under him.

It has been said that many enactments have been brought forward for protection of tenants against eviction. Some political parties, such as the Communist Party say that all evictions should be stopped, and they say that they are here to guarantee against the eviction of these tenants. I would submit that the Congress also is wedded to this idea that the lands belong to the peasants. But, as Gandhiji has said, if anything is to be done, it should be done in a peaceful and non-violent way and not in a violent way. The Madras Bill for the protection of tenants against eviction was necessitated because some landlord in the

Tanjore District, because of some political motives, evicted some tenants. In the Coimbatore and Salem districts, we are having peasants for generations together, and have never evicted a tenant; unless and until he himself gets away and he himself feels that he is not able to produce more and give according to the contract, we do not evict any tenant. So, what is required is reform in the heart.

As I was saying, a discrimination has been made between land owned by oneself and land owned by a peasant. Suppose a man has leased out his land because of certain difficult circumstances, what is the compensation that he would get? The rate fixed by the authorities is that he would get ten times the *kist*. Rs. 10 to Rs. 15 is the *kist* per acre; ten times that would come to about Rs. 100 or Rs. 150. But the value of the land is Rs. 10,000 or Rs. 9000. Thus, while a man who is having personal cultivation is able to get market value, a man who because of certain difficult circumstances has leased out his land would get only a few hundreds of rupees. In the case of a big landlord, that would not matter much, and that would be all right. But supposing there is a widow who has only two or three acres, how could she resort to personal cultivation? Even here, I am sorry they do not understand who the real tiller of the soil is. In agriculture, the operations are such that nobody can claim that all the work could be done by one person. Sometimes, even an agriculturist and even a tenant does not know tilling properly, whereas I, who am a landlord, know tilling much better than a tenant, because I am so much interested in the land and in the production from the land; and I do more physical work, and I can do more physical work than the tenant himself. Because a person engaged some tenant who engaged labourers, can it be said that the agricultural tenant is the tiller of the soil? There are, for instance, women labourers engaged in transplantation in the fields, and in this way, there are so many other categories of labourers. Can they all claim that a certain percentage of the land belongs to them? It is very necessary that we should understand properly who the real tiller of the soil is. A man who goes to the field, and who attends to the field, and who engages himself day and night in the field is the tiller of the soil. Even the great Saint Thiruvalluvar has said who the tiller of the soil is. He says:

"Sellan kizhavan iruppin nilampulandu illain liodividum.".

If a man does not go to the field and look after it properly, then that land would behave towards him like an unwanted wife who is not cared properly. If a wife is not given proper care, she would not look after her husband properly. Similarly, if a land-owner does not go to his lands and properly look after it, the land would not give proper yields. That is how the great Thiruvalluvar has defined a real tiller of the soil. A tiller of the soil is one who attends to the field, and who goes to the field and who does the supervision work etc. himself.

Shri P. R. Patel: Land is the mother, not the wife.

Shri Karuthiruman: It is necessary that this definition of the real tiller of the soil should be borne in mind, and there should be a proper interpretation of the same.

Then, there is talk of co-operative farming. I might submit that even an agriculturist is a real co-operator, because he has to have the support of all sorts of people in the village. Starting from the *dhobi* and the barber and going up to everybody else, everyone is living upon the land, and they all have to be given something out of the produce of the land.

So far as land reforms are concerned, I welcome them. But the point is whether they are going to help in increasing productivity, because there is a sense of insecurity created as a result of our land reforms. Suppose

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60 per cent of the produce is to be given to the peasants under the enactment. What is actually happening in practice? I can narrate my own practical experience in this matter. I own about 30 a acres of land for my personal cultivation, and I have leased out about 30 acres to some of the peasants. Even if I give them proper seeds, proper manure and even money for them to cultivate the land they never rise to the level of production which I have been able to reach. They think that they are assured of 60 per cent share of the produce, and therefore, they do not care whether manure should be applied or not. Even the groundnut cake that I used to give them for manure used to be taken away by them and used in some other way, probably feed to their cattle or some such thing, and they did not apply it to the field . Therefore, I have now adopted the practice of mixing it with some sand so that it may not be used for the cattle but it can be directly taken to the field itself. That is the actual tendency of the people when we assure them of a certain percentage. It is all right to go on saying on the platform that they will have a share in these things and so on. But the question is whether it has achieved successful results. I would submit the answer to this question is 'No'. To narrate my personal experience, I have been able to get 50 maunds of paddy per acre because of my personal attention, but in spite of the credit facilities that I have given to my farmers, and in spite of the seeds and manure etc. that I have given to the farmers, they have been able to produce only 30 maunds of paddy. A real tiller of the soil is one who has got the own proprietorship with security of the land; it is only that person who will be able to increase the yield.

Even in these land reforms, sugarcane cultivation has been exempted; plantations have been exempted. There is gross discrimination between land and land. Like that, there is discrimination between the agricultural sector and the industrial sector. So we are afraid of what is going to happen. As regards this land to the tiller slogan, I would suggest to Government that when land is taken away the market value should be paid, in whatever capacity it is taken. Then only the peasants will feel that they get their due.

Then again the ryotwari is one of the best systems in the country. We had the jagirdaris and zmindaris. We enacted legislation abolishing them. It is a welcome step because they had inherited lands not by right means but by some other means. They had got them by way of so many charities and other things. But the ryotwari system is different. It is one of the best systems, because the ryot has invested his money and brought up the land. But under this amendment, I am afraid that even the ryotwari system will be abolished. We should see that the ryotwari system is protected. That is a good system in which the ryot can own his land as proprietor and also see that the maximum yield is obtained out of it.

So I would make two requests to Government. For lands taken over either for public purpose or for any other purpose, there should be provision to challenge such action in a court of law. For lands taken over, compensation at market value should be paid, irrespective of whether it is a case of personal cultivation or tenancy. The landowner should have equal rights as the tenants.

I hope the suggestions I have made will be incorporated into the Bill during the clause by clause consideration stage.

श्री क० ना० तिवारी (बगहा) : अध्यक्ष महोदय, संविधान का जो यह १७वां संशोधन विधेयक आया है मैं उस का स्वागत करते हुए अपने कुछ सुझाव देना चाहता हूं ।

आज तक दुनिया में चाहे वह कम्युनिस्ट स्टेट हो या कैपटैलिस्ट स्टेट हो, कहीं यह बात आज तक तय नहीं हो पाई है कि लैंड का क्या सिस्टम होना चाहिये और लैंड का कम्युनिस्ट स्टेट में जो सिस्टम है और कैपैटैलिस्ट स्टेट में जो सिस्टम है उन में कौन सा अच्छा है यह विषय आज तक विवादग्रस्त बना हुआ है ।

लैंड रिफार्म्स के मुख्य उद्देश्य दो होते हैं। एक तो यह कि देश के लोगों को एम्प्लायमेंट मिले और दूसरे वहां की उपज बढ़े। इसीलिये जितने भी लैंड रिफार्म्स होते हैं, चाहे वे किसी देश में हों, चाहे वह रूस में हों या चीन में हों जापान में हों, या हिन्दुस्तान में हों या किसी भी देश में क्यों न हों, उस का ध्येय एक ही है। अभी तक यह बात मानी जाती है कि हिन्दुस्तान में जमीन के ऊपर ७५ से ले कर ८५ फीसदी लोग अपनी जीविका चलाते हैं और उस का कारण यह है कि इंडस्ट्रियली अभी यह मुल्क बढ़ा नहीं है। उस की इंडस्ट्रीज अभी इतनी नहीं बढ़ी हैं जिस में यहां के लोग जा कर अपनी जीविकायापन के लिये कमाई कर सकें ।

अभी रूस के अन्दर दो सिस्टम हैं। एक स्टेट फार्म्स हैं और दूसरे कोआपरेटिव फार्म्स हैं और चूंकि कोआपरेटिव में वहां के ग्रहस्थों का इंटरेस्ट ज्यादा रहता है इसलिये कोआपरेटिव फार्म्स का प्रोडक्शन बराबर ज्यादा रहता है । इसी तरह अमरीका को आप ले लीजिये । अमरीका एक कैपटैलिस्ट स्टेट कहा जाता है। वहां के लोकल सिस्टम से इतनी अधिक पैदावार होती है कि वहां से रूस ९४ करोड़ से ले कर ९६ करोड़ रुपये का गेहूं मंगा रहा है और अरबों रुपयों का गेहूं चीन अमरीका से मंगा रहा है। जाहिर है कि अगर जमीन का सिस्टम जोकि दोनों जगह अलग है, कैपटैलिस्ट स्टेट में दूसरा है और कम्युनिस्ट स्टेट में दूसरा अगर कैपटैलिस्ट स्टेट का लैंड सिस्टम खराब होता तो वहां की पैदावार कम होती और कम्युनिस्ट स्टेट की पैदावार ज्यादा होती लेकिन बात ऐसी नहीं है बल्कि इस के बिल्कुल उलटी है ।

करीब चालीस वर्ष से ज्यादा हुआ कि रूस में रेवोल्यूशन हुआ और लैंड रिफार्म्स होने के बाद भी वहां का प्रोडक्शन नहीं बढ़ सका है । वहां की आबादी खेती के ऊपर आज भी कम है, इंडस्ट्रीज के ऊपर ज्यादा है। इसलिये हमारे देश को यह नहीं समझ लेना चाहिये कि लैंड रिफार्म्स कर देने से देश में अनाज आदि की पैदावार अधिक हो जायेगी। किसानों की जमीन पर सीलिंग कर दी जाय, छोटे छोटे टुकड़ों में खेतों को बांट देने । पैदावार बढ़ जायेगी इस में भी सन्देह है से ऐसा ख्याल इस लिये होता है कि अगर छोटे छोटे किसानों को देने से पैदावार बढ़ सकती तो रूस में भी जहां कि लैंड रिफार्म्स किये गये छोटे छोटे किसानों को थोड़े-थोड़े जमीन के टुकड़े दे दिये जाते और यह बड़े-बड़े कलैक्टिव फार्म्स और कोआपरेटिव फार्म्स न बनाये जाते । चीन में भी यही हालत हुई होती। उनकी हालत यह है कि जितना फ्रैगमेनटेशन आफ होल्डिंग्स हो गा उतनी ही पैदावार कम होगी क्योंकि उतनी ही दिक्कत छोटे किसानों को फर्टीलाइजर्स और पानी वगैरह देने में पड़ेगी । सब जरूरी सामान व सुविधा मुहैया कर लना उन की ताकत के बाहर होता है । मैं सीलिंग के खिलाफ नहीं हूं लेकिन मैं यह चाहता हूं कि सीलिंग उतनी जमीन की की जाय जिस में कि किसानों अपनी खेती अच्छे तरीके से कर सके और इतनी छोटी उसकी हद बंदी नहो जाय जिस से कि उपज बढ़ाने में कठिनाई पड़े ।

आज अन्य देशों में अपने देश में भी और कम्युनिस्ट मुल्कों में भी दो बातों के ऊपर जोर दिया जाता है । अमरीका में भी और रूस में भी यह चीज कही जा रही है कि फर्टीलाइजर्स, ट्रैक्टर्स और मिकैनाइजेशन से जो खेती होती है उस से उपज ज्यादा बढ़

[श्री क० ना० तिवारी]

रही है । जाहिर है कि जब छोटी होल्डिंग्स हो जायेंगी तो उन में ट्रैक्टर्स नहीं चल सकेंगे । हमारे देश में जानवरों की कमी है, बैलों और भैंसों की कमी है, जिन से कि खेती होती है । यहां भी लोगों का ख्याल है कि छोटे छोटे ट्रैक्टर्स के जरिये खेती की जानी चाहिये और उस के लिये आये दिन प्रश्न पूछे जाते हैं कि छोटे छोटे ट्रैक्टर्स देश में बन हैं या नहीं और हम को वे मिलेंगे या नहीं । यह स्पष्ट ही है कि अगर एकोनामिक होल्डिंग किसानों के पास नहीं होगी तो वह ट्रैक्टर्स से काम नहीं ले सकेंगे । मैं बतलाना चाहता हूं कि खेती के बारे में जो अपने को प्रोग्रेसिव कहते हैं और दूसरों को रीएक्शनरीज कहते हैं, वे इस बारे में क्या कहते हैं :—

USE WESTERN FARM METHODS URGES K.

Moscow. April 24 (*DPA*)—"We must borrow in our agriculture everything progressive that has been created in the capitalist countries". Soviet Premier Nikita Khruschev demanded yesterday.

"There is nothing shameful in this." he added, according to the Soviet News Agensy Tass in a note "on some questions connected with the implementations of the party's course to inteasely agriculture."

इस से भी यह मालूम होता है कि अभी भी सोवियट रूस और कम्युनिस्ट पार्टी यह चीज अनुभव करते हैं कि उन्हें एग्रीकल्चर के बारे में कैपटैलिस्ट कंट्री से प्रोग्रेसिव तरीके बारो करने हैं । रूस में अमरीका के मुकाबले एग्रीकल्चर का आउटपुट नहीं होता है और इसी कारण समय समय पर यह बातें अखबारों में आती हैं कि ज्यादा फर्टीलाइजर्स इस्तेमाल करने के लिये और ट्रैक्टर्स का इस्तेमाल करने के लिए बड़ी लैंड होल्डिंग्स होनी चाहिए तभी उन के वहां प्रोडक्शन बढ़ेगा । यही राज है जिस से अमरीका में प्रोडक्शन ज्यादा होता है ।

एक दूसरी बात की तरफ मैं इस सरकार का ध्यान दिलाना चाहता हूं कि जमीन की कीमत एक जैसी बराबर नहीं रहती है। जिस जमीन की कीमत आज एक कौड़ी भी नहीं है उस की कीमत दो वर्ष के बाद २०० रुपया, ४०० रुपया या १००० रुपया हो सकती है । दिल्ली को ही ले लीजिये । जिस जमीन की कीमत पहले ४ आने या ८ आने वर्ग फीट थी उस की कीमत आज १०० रुपये और २०० रुपये प्रति वर्ग फीट हो गयी है । उसी तरीके से एग्रीकल्चर की जमीन की भी बात है । मान लीजिये कि हम ने एक जमीन १०० रुपये में खरीदी, उस जमीन के ऊपर हम ने २००० रुपया लगा कर इम्प्रूवमेंट किया तो वह सीलिंग आप की २० एकड़ की हुई वह २१ एकड़ पर आती है। उस की कीमत सरकार मार्केट रेट पर नहीं देने जा रही है । उस की कीमत देगी जो उस की मालगजारी होगी । मान लीजिये कि एक रुपया उस की मालगुजारी है तो ६ गुना हम को वह देगी । इस का अर्थ है कि सरकार चार, पांच या छः रुपये देगी। इस का नतीजा यह होगा कि जिस गृहस्थ ने दूसरों से रुपया कर्ज लेकर अपनी जमीन की इम्प्रूवमेंट की है, उस का बहुत नुकसान होगा और वह कभी कर्ज से नहीं निकल सकेगा ।

आज के समाचारपत्र में प्रकाशित एक रिपोर्ट में कहा गया है :

"भारत में ग्रामीणों पर ३० अरब रुपया का ऋण है ? रिजर्व बैंक ने अभी हाल में ग्रामीण-ऋण का सर्वे किया था, उस से ही यह रहस्योद्घाटन हुआ है ।

सात करोड़ ४० लाख ग्रामीण परिवारों में से, औसतन हर परिवार पर चार सौ छः रुपये का ऋण है।

यह सर्वे १९६१-६२ के वर्ष के लिये किया गया था। सर्वे से पता चलता है कि केवल १९६१-६२ के वर्ष में ही ग्रामीणजनता ने १३ अरब ३२ करोड़ रु० ऋण लिया, जो औसतन १८० रुपये प्रति परिवार है।"

अगर किसान ऋण ले कर जमीन ले और उस पर रुपया लगाए और इस बिल के अनुसार यदि उस को कम्पेन्सेशन मार्केट वैल्यू के हिसाब से न दिया जायेगा, तो उस की क्या हालत होगी ? सरकार और किसी क्षेत्र में तो आय की लिमिटेशन या सीलिंग लागू नहीं कर रही है, जो लोग शहरों में रह कर अपने मकानों से दो हजार रुपये की आमदनी प्राप्त करते हैं, उन की आमदनी पर कोई सीलिंग नहीं है। बड़े बड़े पूंजीपतियों पर कोई सीलिंग नहीं है। दो तीन हजार रुपये पाने वाले नौकरी-पेशा लोगों पर कोई सीलिंग नहीं है। सरकार केवल किसानों की आय पर सीलिंग लगाना चाहती है, जब कि उन की स्थिति यह है कि खेती से उन की जो आमदनी होती है, उस से वे अपने बच्चों को उचित शिक्षा नहीं दे सकते हैं।

किसानों की आय पर सीलिंग लगाने का नतीजा यह होगा कि यद्यपि सरकार देश में समता और समाजवाद लाना चाहती है, लेकिन देहातों में रहने वाले देश के ८५ फी सदी लोगों की कमाई बहुत कम होने के कारण उन के बच्चे ऊंचे पदों पर नहीं जा सकेंगे, क्योंकि सरकारी नौकरों, बड़े बड़े पूंजीपतियों और ऊपरी मध्यम वर्ग के लोगों के बच्चों के समान वे उच्च शिक्षा प्राप्त नहीं कर सकेंगे।

इस के अतिरिक्त सरकार टी एस्टेट्स, रबर एस्टेट्स और महाराष्ट्र और दूसरी जगहों के शूगरकेन एस्टेट्स पर कोई सीलिंग नहीं लगाना चाहती है। वह केवल उन लोगों पर सीलिंग लगा रही है, जो कि गेहूं, जौ, मक्की, बाजरा आदि खाने के पदार्थ पैदा करते हैं। अगर सरकार उन से जमीन ले लेती है, तो वह उन को मार्केट वैल्यू के हिसाब से मुआवजा नहीं देती है। मैं बड़े जोर के साथ कहना चाहता हूं कि सरकार जो भी जमीन ले, मार्केट वैल्यू के हिसाब से उस का मुआवजा दिया जाय। यह दूसरी बात है कि अगर किसी के पास दो, चार, दस हजार एकड़ जमीन है, तो सरकार के लिए उस का मुआवजा देना मुश्किल होगा। मैं कहना चाहता हूं कि सरकार ने जब लाइफ इंश्योरेंस का नेशनलाइजेशन किया, तो उस ने उस का कम्पेन्सेशन दिया और काफी मात्रा में दिया। फिर क्या वजह है कि जो जमीन वाले हैं, उन को कम्पेन्सेशन न दिया जाये ?

मैं बड़े जोर से कहना चाहता हूं कि जिस व्यक्ति की जमीन ली जाये, उस को माकट वैल्यू के हिसाब से कम्पेन्सेशन जरूर दिया जाये।

[MR. DEPUTY-SPEAKER *in the Chair*]

जिस जमीन पर लोगों ने रुपया खर्च किया है, जिस जमीन को इम्प्रूव करने के लिये जितना खर्च किया गया है, उस को दृष्टि में रखते हुए मार्केट वैल्यू के हिसाब से उस जमीन का कम्पेसेशन मिलना चाहिए।

Shri A. S. Alva (Mangalore): Mr. Deputy-Speaker, Sir, as far as this amendment is concerned, this only enables the State Governments to come forward with tenancy legislation; it does not legislate on any of the sections of the legislation Acts. As far as Zamindaries are concerned, they came under the definition of the 'estate' after the Constitution was amended and so the Government or the legislature took powers to determine the compensation and it was not justiciable and people affected by

[Shri A. S. Alva]

these orders could not go to the court. It was found that subsequently some of these lands were excluded from the definition of "Estate" and the Act of Kerala which came in for scrutiny by the Supreme Court in respect of the land held on ryotwari tenure and which was formerly part of the Madras State, it was held that compensation is justiciable and market value should be given and that is why this amendment is now sought to enlarge the definition of "estate" so that it may include ryotwari, jenmam and all the other rights which have been mentioned in the amending Bill.

Now, Sir, in the Joint Committee stage, exception has been made in respect of the land within the ceiling, that is to say, if the Government wants to acquire the land within the ceiling, then market value must be given provided the owner is in possession. This change is more or less illusory because it will not benefit anyone. I am not familiar with the tenancy legislation of many States. But as far as some of the legislation is concerned, especially in the South if an owner is in possession of the property within the ceiling limits, he can retain it. No land within that ceiling limit which is in the possession of land-owner could be acquired by the legislation. So much so, this amendment which has been proposed by the Joint Committee which says that if the person is in possession of the land within the ceiling limits, then alone he must be paid actual market value as compensation will not change his position as he can retain possession of the property within the ceiling limit. Government will not acquire that land. Most of the land reform Acts did not contemplate acquisition of lands within the ceiling if the owner is in possession. It has been said that as far as ceiling is concerned, it must be uniform; but that cannot be because land various from place to place and the yield varies with different kinds of land in different places. As a matter of fact in Mysore, it various from place to place. Mysore Act fixes 27 standard acres as the ceiling limit but it depends on the rainfall. Sometimes it becomes 54 acres or 108 acres or even 216 acres. So, it depends upon the kind of land, soil that would be possessed by a person.

Now, I full agree with Shri Ranga and Shri Karuthiruman who have stated that as far as the agriculturists are concerned they are discriminated against. If a person could hold property in a town, in the urban areas, absolutely there is nothing against it. He can own any amount of land and let that land and get as much income as possible, subject only to certain income-tax other taxes. But as far as the agriculturist is concerned, his income is sought to be limited. For this purpose, I would certainly make an exception, and the exception should be in respect of persons or landowners who come within the ceiling. I am speaking in respects of lands in South India. The Madras State, a portion of Andhra, a portion of Mysore and a portion of Kerala were included before the reorganisation of States in the old Madras State. At that time, ever since 1953, first, there was an ordinance which prevented the landlord from taking possession of lands from the tenant as long he pays his fair rent. Then an Act also came to be passed for fixing the fair rent, saying that the landlord would be entitled to 40 per cent of the gross yield and the tenant would be getting 60 per cent. Then, by a series of Acts, it so happened that it was not at all possible for a landlord to go to the ordinary civil courts and get possession of the land. There was a limitation placed on him. If a person knew that there would be tenancy legislation, that would have been different. But, at the same time, they could not take possession of the land even within the ceiling limit. So, practically from 1952

or 1953 onwards.—I am speaking for for my district of South Kanara which was part of the Madras State—that Act is still in force. The lands there are held under the ryotwaries settlement, under which even if the tenant does not pay rent, it is not at all possible for the landlord to go to a civil court or even to the revenue court and take possession of the land as the law stand, today. So, a landlord, even if he wants to cultivate the land for himself, is deprived of that cultivation.

But as far as compensation is concerned,—I am referring to the Mysore Land Reforms Act of 1961 which is No. 51 in the Ninth Schedule to the Constitution as is now included in the Bill—if a landlord is not in possession of any land, he cannot take possession of that land from the tenants even though it is within the ceiling limits and he is not paid the market value. So, the ceiling limit is merely illusory as far as the landlord who is not in possession is concerned. If there are people in other occupations, like doctors, lawyers or Government servants, who are away from the village and who have no idea of going to the village, their position is different, but other people who had let their lands to the tenants and where the tenants are actually cultivating, are deprived of their land and they could not take possession of the land through the ordinary law of the land, either through the civil court or the revenue court, and as such they get only the rental. It so happens that they have to part with the land by the Tanancy Act of Mysore. If the tenants are in possession, or if somebody else is in possession, the land is acquired for them by the Government and the Government will be paying the landlords some compensation which is not the market value and is not justiciable.

I am only referring to small owners who are within the ceiling limits, and who have puchased lands at the market value. Whatever savings they have got, whatever money they have earned and whatever inheritance they have got, instead of investing them in the bank, they put them on land, thinking it is a very good investment. The big landowners are having more property than the ceiling itself, and above the ceiling there is no objection for their being paid compensation which the legislature may give. But as far as the people who come within the ceiling, limits are concerned, even if they are people having more lands but upto the extent of the ceiling, they must be given compensation according to the market value. So, the amendment that has now been proposed by the Joint Committee, namely, "...and where any land comprised there in is held by a person under his personal cultivation" should go. There should not be that clause at all. I submit that it is but fair and proper that a person who is having lands within that ceiling limit should be given the market value and it must be made justiciable. Otherwise, there will be a lot of imbalance and a lot of people in the village parts or the rural areas will be thrown out of gear, and they will be driven to the position which is worse than that of tenants.

Shri Nambiar (Tiruchirapali): Who can afford to pay compensation at market value? The Government?

Shri A. S. Alva: Why should they alone be discriminated against? Nobody is bothered about the people who hold bungalows in big cities and getting so much rental. My hon. friend wants to get up and say, "Who is to pay?" After all, the land was not got for nothing. It is good that my hon. friend interjected, because, if his own party comes to power—

An Hon. Member: Never.

Shri A. S. Alva: I wish they never come to power, but let us take it that by some misadventure, as it happened in Kerala, they come to power again, and tomorrow they pass a legislation, and the Central Government will have no power, that the

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owner should be given one year's rental which is enough, then the tenant becomes the owner. Does my hon. friend seriously think of it? Nobody could object because under the Bill as it exists, the legislature has got full power; they have to determine in what manner compensation is to be paid; if the State Legislature says that if a tenant pays one year's rental as compensation, he will become the owner of the land. Government acquires the land; the tenant becomes the owner; the owner has to be content with one year's rental as compensation. Is it fair?

Shri Nambiar: 12 years; not one year.

Shri A. S. Alva: I know it is 12 years. What I am saying is, can anybody prevent the legislature from doing it? The owner is helpless. He cannot go to the court; he cannot come and say compensation is not adequate and agitate in a court. I really understand the position of the Government; they do not want that there should be an intermediary between the actual cultivator and the Government. I do concede, it because the very idea of land legislation is, if a man becomes the owner of the land which he is cultivating naturally he will have the best incentive to produce more; there will be more production. As far as this theory is concerned, let us admit it, but, at the same time, let us give justice to the landlord also. If a man has got half an acre and if he is not in possession, he will also get compensation which the legislature may decide; maybe 12 years' rental or something less. On the other hand, suppose there is a tenant who is actually in possession within the ceiling, he can retain the entire property for himself and he becomes a big landlord by himself. As far as Mysore is concerned—take my own district of South Kanara—a standard acre there comes to 54 acres. If there is a tenant who is having 54 acres of land, he automatically becomes a landlord by himself, and up to 54 acres he could cultivate. As far as the landlord is concerned, he will be getting compensation which the legislature is prescribing. That is not fair, because, some people expecting some legislation sold the property and for very good prices. They are in a better position now, because they anticipated certain things, while an ordinary man who did not know all these things has to suffer. So, my submission is that as far as this aspect is concerned, the Government must look into it. Government should see that proper compensation is given.

Surely Shri Ranga is not speaking for the peasant proprietors. Peasant proprietors will not be hit by this change of definition at all, because a peasant proprietor is a person who owns and cultivates. As far as he is concerned, up to the ceiling limit, nobody can touch him. So, it will not affect them. But it is only the poor landlords who are not in possession will be the worst hit and who will be driven to the streets. Therefore, I hope Government will see that this definition is extended to the extent of seeing that people within the ceiling limits, whether they are in possession or not, will be paid fair compensation i.e. the market value.

श्री काशी राम गुप्त (अलवर): उपाध्यक्ष महोदय, मैं इस संयुक्त समिति का सदस्य रहा हूं और मुझे बहुत गहराई से इन सब समस्याओं पर सोचने का मौका भी मिला है। मैं जानता हूं कि दक्षिण के मेरे बहुत से भाई मेरी हिन्दी को सम्भवतया न समझें, वह तो जब संशोधन आयेंगे इस विधेयक पर उस समय मुझे अंग्रेजी में बोलना होगा और उस समय वे मेरी मूल बात को समझ सकेंगे इस समय तो मुझे हिन्दी में ही बोलना है।

पहली बात मैं यह निवेदन करना चाहता हूं कि १७ वर्षों में इस सरकार ने जो कुछ

किया है उस से मैं एक ही नतीजे पर पहुंचता हूं कि यह सरकार कभी भी इन समस्याओं पर गहराई से सोचने वाली नहीं रही है। कोई एक कानून उन्होंने बनाया, जब उस में अड़चने आईं तब उन की आंखे खुलीं। इस का एक प्रमाण वर्तमान संविधान संशोधन लाने का जो तरीका है वह है, और उस का एक ताजा उदाहरण यह है कि जब संयुक्त समिति में यह प्रश्न आया तो प्रत्येक सदस्य के दिमाग में एक ही बात थी कि यदि यह बिल ज्यों का त्यों लौट जाता है तो उस का अर्थ यह होगा कि चाहे किसान छोटे से छोटा भी हो, उस की जमीन कौड़ियों के मोल में ली जा सकती है किसी भी काम के लिये। इसी लिए हम सब को यह फिक्र हुई कि किसी प्रकार से कम से कम उस किसान की रक्षा की जाय। कुछ लोगों के प्रयत्न से सरकार के बड़े लोगों के पास पहुंचने के बाद जो संशोधन इस समय आया है वह लाया गया। उस से भी बहुत से साथी सन्तुष्ट नहीं थे, और न सन्तुष्ट हैं। इसी कारण से मुझे एक और संशोधन यहां लाना पड़ा, क्योंकि जो संशोधन मैं वहां लाया था उस रूप में उस को स्वीकार करने में विधि मंत्री को बहुत कठिनाइयां थीं।

इस सदन में अथवा संयुक्त समिति में, यदि हम देखें तो चार प्रकार की विचार धाराएं चल रही हैं। एक इस प्रकार की विचार धारा है जिस का मतलब यह है कि चाहे हम कितने ही गलत शब्दों को रख दें, चाहे उस के कितने ही गलत अर्थ निकलते हों, चाहे १२४ ऐक्टों को लाने का किन्ही कारणों से प्रयत्न किया जाता हो, सब बातों को ज्यों का त्यों मान लो। दूसरे वे लोग हैं, चाहे वे कांग्रेस में हों या दूसरे दल में हों, जो भूमि सुधार के पक्षपाती हैं, किन्तु जो चाहते हैं कि संविधान की मूल धाराओं की रक्षा करते हुए, उचित रूप से किसानों के हितों की रक्षा करते हुए और जमीन के मालिकों के हितों की रक्षा करते हुए भी कानून बनाये जायें। मैं समझता हूं कि उस संयुक्त समिति में अधिकतर इसी विचार के पक्षपाती लोग थे, और आज भी हैं। अभी तक जो कुछ भी विचार प्रकट किए गये हैं मेरे कांग्रेस के साथियों द्वारा उन से यह प्रमाणित होता है कि यह लोग एक ही बात चाहते हैं कि जो मुआवजा मिले वह बहुत सही मिले और इस से यह प्रमाणित होगा कि प्रदेशों में जितनी कांग्रेस की सरकार हैं उन के मुआवजा देने के तरीके से सम्बन्धित कानूनों से वे लोग सन्तुष्ट नहीं हैं। यदि वे लोग सन्तुष्ट होते तो कोई ऐतराज करने का प्रश्न पैदा नहीं होता। इस लिये जो मूल दोष है वह प्रदेश सरकारों में है, और प्रदेश सरकारों के दोष को छिपाने के लिये अगर यह सरकार काम करती है तो यह भी दोषी है। अभी तक तो यही हुआ है और इस संशोधन के जरिये भी उन का तरीका ऐसा नजर आता है कि वह उन सब कमजोरियों को छिपाना चाहते हैं।

वास्तव में जहां तक भूमि सुधार का सम्बन्ध है, उस का सही तरीका यह था कि प्रत्येक सरकार अपना सर्वे करती कि किस प्रकार की भूमि वहां कितनी है और कितनी उस को मिल सकेगी। यह सब आंकड़े उन्होंने अटकल पच्चू दिये हैं। वास्तव में इस के भीतर वे नहीं गए। इस का नजीजा यह हो रहा है कि जब वे कानून बना चुकते हैं तो देखते हैं कि जमीन बांटने के लिये नहीं रही। मैं निवेदन करूं कि इस सरकार ने सारा तरीका नीचे से लेकर ऊपर तक गलत बना रखा है और उस गलत तरीके का परिणाम है कि इतनी हलचल मच रही है, अन्यथा हलचल मचने का प्रश्न पैदा नहीं होता। जब यह सरकार यह कहती है कि हमें यह संशोधन इस लिये लाने हैं कि हम को भूमि सुधार कानून बनाने हैं तो क्यों नहीं स्पष्ट कहती कि यह केवल भूमि सुधार के लिये है, यह उन लोगों के लिये है जिन को हन जमीन देंगे, जिन को हन जमीन का मालिक बनायेंगे। यह शब्द रखते हुए वह क्यों डरते हैं।

[श्री काशी राम गुप्त]

इस के साथ साथ मैं एक उदाहरण दूं । जहां तक मुआवजे का प्रश्न है, यह बड़ा पेचीदा और जटिल प्रश्न है । अलग अलग स्थानों में अलग अलग दशा है, और कुछ जटिलता यह सरकार स्वयं पैदा करती है । मैं अपने जिले अलवर का उदाहरण देना चाहता हूं । वहां जिस को हम इवैक्वी लैंड कहते हैं, जिस पर पुरुषार्थी लोग बसे हैं अथवा पट्टेदारों को जमीन दी गई है, उस के लिये इसी सदन में कानून बनाया कि हम ४५० रुपया प्रति स्टैन्डर्ड एकड़ लेंगे, किन्तु आज जिन के पास सीलिंग से कुछ ऊंची जमीन बची है उस के लिये हम जो कानून बनायगे वह ४० या ५० रु० एकड़ का बनायेंगे । इस लिये एक ही जगह पर अगर एक ही सरकार ने कुछ लोगों के लिये एक तरह कानून बनाया और दूसरे के साथ दूसरे तरह का व्यवहार किया तो बेचैनी नहीं फैलेगी तो क्या होगा । यह सब बात जाहिर करती हैं कि इस सरकार के पास कोई व्यवस्थित तरीका नहीं है सोचने का, और यह भी निश्चित है जैसा कि हमारे माननीय श्री द्विवेदी जी ने कहा, कि यह सरकार राजनीतिक रूप से अधिक सोचती है इन सब बातों के बारे में । इस का ताजा उदाहरण महाराष्ट्र का वह कानून है जिस के लिये मैं संशोधन लाया हूं, जिस में उन्होंने योजना आयोग की नीतियों के विरुद्ध कार्य किया । योजना आयोग ने सब प्रदेश सरकारों को लिखा कि यह भूमि सीमा निर्धारण कानून गन्ने की खेती पर लागू नहीं होगा, फार्मस पर लागू नहीं होगा । और सब सरकारों ने अपने कानून में इस को स्थान दिया किन्तु महाराष्ट्र सरकार ने इस से बिल्कुल उल्टा किया । उस जमीन को ले कर के यही नहीं कि किसानों को बांट दिया है बल्कि अपने कब्जे में कम्पनी बनाई और कम्पनी के जरिये से खेती करवा कर गन्ना मिलों को दिया जायेगा । जब हाई कोर्ट ने इस को अवैधानिक करार दे दिया तो फिर उन्होंने कोशिश की उस को ९वें शेड्यूल्ड में रख दिया जाय । आप देखिये कि इस प्रकार से राजनीतिक दृष्टि से काम करने से कोई नतीजा हासिल नहीं होता । जब यह उदाहरण दिये जायेंगे कि एक एक ऐक्ट को किस प्रकार से हम ने रक्खा है तो यह बातें स्पष्ट होंगी ।

मैं यह निवेदन करना चाहता हूं कि अगर हम को इस संविधान संशोधन को पास करना है तो हमारे दिमाग में कोई उलझन नहीं रहनी चाहिये इस के बारे में, और वह उलझन तभी दूर हो सकती है जब हम इस राजनीतिक आधार को छोड़ कर चलें और सही दिशा में काम करने की दिशा में चलें । किन्तु आज क्या स्थिति है । आज स्थिति यह है कि भूमि सुधार के कानून की जब बात आती है, और जब कोई साथी यह कहते हैं कि शहरी इलाके में जो कुछ हो रहा है वह गलत हो रहा है, तो यह प्रश्न उठता है कि यह जो विचार मतभेद चल रहे हैं उस के क्या कारण हैं और उस को दूर करने के लिये हम क्यों नहीं सही तौर से बैठ कर सोच सकते हैं । इस का कारण यह है कि जमीन की समस्या किस प्रकार से गांवों में होती है, उस की क्या कठिनाइयां होती हैं, उस का आर्थिक ढांचा क्या होता है इस के बारे में यह सरकार बिना राजनीति के सोचती ही नहीं है । यह एक ऐतिहासिक तथ्य है जिस को हमारे साथियों को नहीं भूलना चाहिये । इस लिये मेरा यह निवेदन है कि इस विषय पर जो भी साथी विचार कर रहे हैं और आगे करेंगे वे इस मूल तथ्य को न भूलें कि हमारी प्रदेश सरकारों ने जो भी कानून बनाये हैं वे आंकड़ों के आधार पर नहीं, नीतियों के आधार पर नहीं बल्कि अटकल पच्चू बनाये हैं । इस का नतीजा मैं आप को बतलाउं । असम सरकार ने एक सीलिंग ऐक्ट बनाया है ।

Mr. Deputy-Speaker: The hon. Member may continue the next day.

We shall now take up the half-an-hour discussion.

17.00 hrs.

*INDIAN AMBASSADOR IN U.A.R.

Shri Hem Barua (Gauhati) Mr. Speaker, Sir, it is needless to say that a nation's policies get reflected in the way that its missions abroad conduct themselves, for, they not only give a perspective to national policies, but also try to preserve and promote the nation's honour, prestige and self-respect in the eyes of the world.

But, Sir, can we credit our missions abroad with such an inspiring record, in spite of the full-throated praises given to them by our Prime Minister repeated *ad nauseam*? Apart from the financial irregularities, a colossal disgrace, in which some of these missions have indulged, they have let down this country *vis-a-vis* the Chinese on more occasions than one. They have brought down India in the eyes of the world.

I, Sir, do not want to hold them entirely responsible for this because their disgraceful conduct flows out of the disgraceful attitude of our Government *vis-a-vis* the Chinese. What policy are the Government following towards China, if not a policy of naked appeasement? I can catalogue the acts of appeasement on the part of the Government, one by one, but since it is not a discussion on Government's China policy, if they have a policy at all like that, I refrain from doing so.

But I would say that this Government do not have the basic sense of self-respect and that is an open, crystal-clear fact. China committed aggression on this country during October-November, 1962, a fact that constitutes the darkest landmark in the annals of our freedom. In spite of the Colombo proposals that we have accepted in disgraceful haste, China has been intransigent, China has been piling humiliations on humiliations on a nation of 440 million. Yet, have we learnt any lesson in self-respect.

We are defeated not only in battel by China, but also diplomatically and psychologically. The greatest impact of his psychological defeat is unfortunately on our Prime Minister. It pains me to say that all his actions and attitudes towards China flow from this basic psychology of appeasement, a psychology of defeat and retreat.

In February, 1963, within less than six months of our humiliation at Chinese hands, our charge d'affaires in Peking wanted to attend the banquet given by Mr. Chou En-lai in honour of Mr. Bhutto, Foreign Minister of Pakistan, on a brief visit then to Peking. What did our Government do? Our Government readily obliged him with the necessary permission to attend this banquet. They did it: (a) in violation of the ethics of national self-respect, and (b) in violation of Government's instructions issued to different missions abroad not to attend reception given by the Chinese.

Sir, you might ask me, when were these instructions originally issued by Government to our different missions abroad? Was it before the charge d'affaires in Peking was allowed to attend Mr. Chou En-lai's banquet or after? On Government's own admission on the floor of the House, these directions were issued by Government in December, 1962, to all the members, of diplomatic and non-diplomatic, of the missions abroad, not to offer hospitality or accept any hospitalty of the Chinese. These were the directions,

But what happened? Before the ink on the December 1962 directions could be dry, Governmnet themselves violated their own directions and asked our charge d'affairs in Peking to attend Mr. Chou En-lai's banquet given in honour of Mr. Bhutto.

Mr. Deputy-Speaker: This is about UAR.

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*Half-An-Hour Discussion.

Shri Hem Barua: I will come to that. This is the background, the frame, and I want to fit the picture into that frame.

Now, Sir, this is what happened. Why do you issue directions or instructions if you are not in a position to honour them, if you do not mean to implement them? Why do you do all these things? Do you know, Sir, what was the occasion of Shri Chou En-lai's banquet in honour of Mr. Bhutto which our charge d'affairs attended under instructions from New Delhi? The occasion was to celebrate India's disgrace. Both China and Pakistan had come to an understanding over 12000 square miles of territory in the so-called Azad Kashmir, our territory handed over by Pakistan to China, and a treaty was signed. This banquet was given by Mr. Chou En-lai to celebrate that historic occasion of India's defeat, disgrace and discomfiture. It is this banquet that our charge d'affaires was allowed to attend. If this is not shameful appeasement, then I have to re-read the meaning of the word "appeasement" in the dictionary. Sir, would you please present me a copy of *Chambers' Dictionary*?

When this humiliating episode was brought to the notice of Government, do you know what our Prime Minister said on that occasion? Our Prime Minister said here on the floor of this House on 19th March, 1963—I shall quote his words verbatim—

> "Because our relations with China and Pakistan are very bad, it was desirable for him to go."

This is what our Prime Minister said.

Mr. Deputy-Speaker: That is not the question with which we are concerned. We are concerned with UAR.

Shri Hem Barua: Is this not serious? Can this be an argument by any standard, by any stretch of imagination? I have been putting the same question. Why is it that you issued directions in December 1962 if you were to violate them in February 1963? On that occasion I said that it would be more graceful if the Prime Minister admits his mistake. The Prime Minister did not admit his mistake; possibly, he did not want to do so.

I would say that a nation's Prime Minister is the standard—bearer of the nations honour and prestige, and if in the process of holding the banner aloft, he has to liquidate himself, it is a thousand times better than to try to cling on to the precipice of appeasement.

The story of humiliation does not end there. In December, 1963, our Ambassador in Cairo wanted to attend the banquet given by Mr. Chou En-lai at the Chinese Embassy in Cairo. There were the standing instructions given by the Government in December, 1962, to our diplomatic missions not to accept Chinese hospitality. May I say, Sir, for your information, that these instructions of December, 1962, were renewed and re-issued in November, 1963, and sent to all our missions abroad including Cairo. Thus, our Ambassador in Cairo was armed with two sets of the same directions, one issued in December, 1962 and the other in November, 1963.

Yet, within a month, he considered it desirable to attend Mr. Chou En-lai's banquet at Cairo and, accordingly, he sent a cable to New Delhi for instructions. When the instructions were there, the latest being issued in November 1963, why should he send a cable in December 1963 in order to attend the banquet given by Mr. Chou En-lai, I do not understand. Why should he have done that at all?

The Ambassadors of Tanganyika and Uganda also sent telegrams to their respective governments for instructions. But when the Indian Ambassador in Cairo readily attended Mr.

Chou En-lai's banquet, these two Ambassadors of Tanganyika and Uganda stayed away Mr. Chou En-lai's banquet at Cairo. Why they refused to attend, I do not know. Possibly, it was because China has not aggressed on their territory.

My submission, Sir, is, that any man who has an iota of self-respect left in him, any man who has a drop of Indian blood in his veins, would have refused to attend, refused to eat from the table of our enemy such as the Chinese are, whether there were instructions or no instructions. If Mr. Chagla could refuse to attend the reception given by Sir Patrick Dean because that Briton equated India with Pakistan on the communal issue, why is it that our Indian Ambassador in Cairo could not check the temptation of attending Mr. Chou En-lai's banquet? Sir, you might tell me. "This is high diplomacy not for you people, poorer people, humbler people like you to understand."

Mr. Deputy Speaker: I do not tell you anything.

Shri Hem Barua: All right, Sir. If you tell me like that, then I would submit for your consideration that diplomacy, high or low, that betrays national interests is worse than prostitution.

Sir, it pains me to say, India is let down by Indians more than anybody else. It pains me to say so. Please remember that the Chinese understand the Indian pulse much better than most of us do. The Chinese invite us to receptions whenever it suits their purpose; and whenever it does not, they just kick us away. This recently happened in Algiers. You know what happened. The Chinese Delegation to the Afro-Asian Solidarity Conference refused to invite the Indian delegation to the party it gave. Did the matter end there? No. They announced this with great gusto and with great fanfare even on the floor of the Council meeting itself. The impression that one gets from the conduct of these Indians attending Chinese parties is that we Indians are essentially a shameless people . . .

Shri D. C. Sharma (Gurdaspur): He should not dub Indians as shameless people.

Shri Hem Barua that we are eager to be invited, and once the invitation is extended to us, we pounce upon it like a pack of hungry quadrupeds.

When the conduct of the Indian Ambassador in Cairo was brought to the notice of the Prime Minister on the floor of the House on 30th March 1964, what did he say? Our Prime Minister said, "Well, he misunderstood our instructions." This is what he said. But may I tell you that I have seen all the instructions including the cable that was sent by this Government to the Indian Ambassador in December, 1963? I do not want to divulge the exact words used in them, although I can quote from them verbatim if I want to. I can assure you with all authority, with all sincerity, that these directions are so specific, so clear, so positive, so unambiguous in language, that even a man as intelectually under-developed as this poor self would not have misunderstood them, not to speak of the Ambassadors who are supposed to be highly intelligent men misunderstanding them.

Mr. Deputy Speaker: The hon. Member may conclude now.

Shri Hem Barua: I will finish just now.

on the occasion of the Charge d'affairs in Peking attending Mr. Chou En-lai's party, it was the Government that violated their own directions. On this occasion, it is the Ambassador in Cairo who violated the Government's directions. There is at least some parity in perfidy.

[Shri Hem Barua]

What is here in this country? May I say that there is something rotten in the state of affairs in this country. With a vacillating Government following a weak-kneed policy, this is bound to be. And what our Government have succeeded in infusing into the brown bureaucrats of the Foreign Services is the basic quality of vacillation, the basic quality of equivocation, the basic quality of weakness. Now, these men are supposed to be highly intelligent. But it pains me to say that their actions and attitudes, even in their limited sphere, are not shining records of intelligence—it does not matter whatever our Prime Minister, the proverbial champion of wrong causes might say or might not say.

Shri Hari Vishnu Kamath (Hoshangabad): Is it not fact that in spite of clear instructions worded in simple English—proof against all misunderstanding which the Prime Minister as an apologist, claimed was done by the Ambassador in Cairo—to the effect that:

> "Diplomatic and non-diplomatic members. . . .

—please follow this; it is very simple—

Mr. Deputy Speaker: What is your question?

Shri Hari Vishnu Kamath: I began by saying, "Is it not a fact. . .".

It says:

> ". . .should neither offer hospitality to nor accept hospitality from. . . .

—Can anything be more clear?—

> " . . .members of Chinese missions";

is it not a fact that this was issued in November, 1962, repeated in 1963. . . .

Shri Hem Barua: December, 1963.

Shri Hari Vishnu Kamath: . . .in November, 1963 and still the Ambassador, Shri Azim Hussain, in Cairo asked the Government, suggested to the Government, on his own, that he should be permitted to attend—that was the communication sent to the Government—the banquet given by Mr. Chou En-lai; and again the Government repeats 'No', and after he got clear instructions, in spite of and in disregard of the instructions—a wire sent here and the Government repeating these instructions—in clear violation of the instructions he attended the banquet?

Mr. Deputy Speaker: That is all?

Shri Hari Vishnu Kamath: I have not finished the question. Is it not a fact that such conduct in countries which have well-established norms of diplomatic conduct would have entailed recall of the Ambassador from his station, from his mission, and failing which the Government should have at least conveyed its displeasure or its disapproval? But on the contrary is it not a fact. . .

Mr. Deputy Speaker: Too many 'Is it not's'.

Shri Hari Vishnu Kamath: . . . .and is there any truth in the press reports to the effect that this Ambassador in Cairo is being promoted to a higher post of Additional Secretary in the External Affairs Ministry and, if so, what is the reason for this sorry state of affairs. . . .

Mr. Deputy Speaker: Shri D. C. Sharma.

Shri Hari Vishnu Kamath: I am finishing; just 10 seconds more. Is it the Government's invertebrato policy towards China or is it the pseudo-secular policy responsible for this?

Shri Morarka (Jhunjhunu): This question may be repeated.

Shri Hari Vishnu Kamath: I will repeat it to you in the lobby outside.

I cannot repeat it here. It is a Half-An-Hour discussion.

Shri D. C. Sharma: Is it not a fact that the very fact that the Indian Ambassador in U.A.R. asked the External Affairs Ministry in December, 1963 as to whether he should attend that banquet given by Mr. Chou En-lai or not shows that the instructions were not clear and that the instructions were given in such a way that there was some room for a doubt. . .

Shri Hem Barua: Only a fool will misunderstand that.

Shri D. C. Sharma: And is it not a fact that the *bona fides* of the Indian Ambassador in U.A.R. are clear. . .

Dr. M. S. Aney (Nagpur): How *bona fides*?

Shri D. C. Sharma: . . .and his good intentions are very clear by the fact that he put across. . . .

Mr. Deputy-Speaker: What is your question?

Shri D. C. Sharma: . . . .a cable to the External Affairs Ministry asking. .

Shri Ranga (Chittoor): But the people here said, 'No'.

Shri D. C. Sharma: . . . .for clarification of the point whether he should attend the banquet or not. Therefore, what I wish to say is this. . . .

Mr. Deputy-Speaker: You need not say anything.

Shri D. C. Sharma: Is it not a fact. .

Mr. Deputy-Speaker: You have to put a question. That is all.

Shri D. C. Sharma: I am putting a question. You did not prevent them from saying all kinds of things. When we try to explain ourselves, you do not allow us to do so. I want to ask: Is it not a fact that the very fact that the Indian Ambassador in U.A.R. sent a cable to the External Affairs Ministry in December, 1963, asking whether he should attend that banquet or not shows that his intentions were *bona fide* and that he was not a person who was going to show in any way that he was not interested in the prestige, the honour and the greatness of our country? What I mean to say is, are not his intentions very clear?

The Minister of State in the Ministry of External Affairs (Shrimati Lakshmi Menon): Sir, there is very little that I want to speak on this occasion. As is pointed out, we have been issuing instructions from time to time regarding the propriety of our heads of missions attending receptions and other things given by the Chinese; and our missions, I am very happy to inform the House, have always abided by these instructions. In this particular case, when Mr. Chou En-Lai's visit was announced in Cairo and a number of formal functions were likely to be held, the Ambassador made a specific reference to us—not in a cable but in a letter—saying that a number of formal functions were likely to be held. . .

Shri Ranga: But what advice did he get from the U.A.R. Government also?

Shrimati Lakshmi Menon: I seek your protection, Sir.

Shri Hari Vishnu Kamath: She does not need your protection. Let Government protect the country. It is the country which needs protection. It is a disgraceful conduct on the part of our Ambassador. She is trying to defend the indefensible.

Shrimati Lakshmi Menon: A specific enquiry was made. Unfortunately, the reply that we sent. . . .

Shri Ranga: What were those instructions? Will you please read them out? We referred to the previous communications on this subject and said that the Ambassador might attend formal functions which were held by the Governments concerned. This is the real sentence from the letter and these were the instructions given namely that the Ambassador might

[Shri Ranga]

attend formal functions held by the Governments concerned. This was a little vague. He thought that the term 'Governments concerned' meant the Government of China and the Government of UAR.

Shri Hari Vishnu Kamath: That is wrong. The instructions were 'by the Governments of the countries concerned'. I have got the instructions with me here. The hon. Minister is misleading the House.

Shri Hem Barua: She has not read out the entire sentence. The cablegram is this.

> "If any formal functions are held by the Governments of the countries concerned in his (Mr. Chou En-lai's) honour, you may attend them."

By this term is meant functions which have been organised by the UAR and not by Mr. Chou-En-lai.

Shrimati Lakshmi Menon: I accept it. It is 'by the Governments of the countries concerned.".

Shri Hari Vishnu Kamath: And in his honour. That is what is written. The instructions are clear. She cannot mislead the House by this kind of prevarication.

Shrimati Lakshmi Menon: This letter was given to them by us.

Shri Hari Vishnu Kamath: It was not a favour. We demanded this.

Shri Hem Barua: We challenge the hon. Minister that we could have these things without her giving them to us also.

Shri Hari Vishnu Kamath: She is trying to cover it up.

Shrimati Lakshmi Menon: I am not trying to conceal anything. I am only trying to point out that there was a real misunderstanding, as far as the Ambassador was concerned.

Shri Ranga: Whoever was responsible for it should have resigned.

Shri Hari Vishnu Kamath: It is shameful. The Ambassador should have been recalled.

Mr. Deputy-Speaker: Order, order. Hon. Members have had their say already. Now, they should hear the hon. Minister.

Shri Hem Barua: He must be a damn fool who could misunderstand these words.

Shri Hari Vishnu Kamath: He is an ICS officer, I suppose.

Shrimati Lakshmi Menon: Hon. Members should at least use parliamentary language while referring to these things.

Shri Hari Vishnu Kamath: She is defendng the indefensible. It is a matter for shame.

Shri Hem Barua: Let her admit the mistake. . . .

Shrimati Lakshmi Menon: I admit that. . . .

Shri Hari Vishnu Kamath: The hon. Prime Minister should have been here to reply and not the Minister of State.

Shrimati Lakshmi Menon: I admit that the Ambassador misunderstood it, because we called for an explanation when this matter was raised, and the Ambassador said that it was a misunderstanding of the term 'by the Governments of the countries concerned in his honour'; he thought that it referred to both the countries, the country of UAR as well as China. . .

Shri Hem Barua: What does he mean by that? That means that we shall have to learn English over again.... (*Interruptions*).

Mr. Deputy-Speaker: Order, order. Let there be no more interruptions.

Shrimati Lakshmi Menon: Since hon. Members do not want to listen to me, I am not going to proceed any further.

Shri Hari Vishnu Kamath: Why not sack that Ambassador?

Shri Hem Barua: The term 'in his honour' means 'in Mr. Chou En-lai's honour'. (*Interruptions*).

Shrimati Lakshmi Menon: With your permission, Sir, I am not going to say anything more since hon. Members do not want to listen.

Shri Ranga: The hon. Minister has to apologise to the House.

Shri Hari Vishnu Kamath: The Ambassador should be sacked.

Shri Ranga: In decency, she must apologise to the House.

The Minister Without Portfolio (Shri Lal Bahadur Shastri) *rose—*

Shri Hari Vishnu Kamath: Let the hon. Minister Without Portfolio do it.

Shri Lal Bahadur Shastri: As my colleague has just now said, the orders issued were clear.

Shri Hari Vishnu Kamath: Very clear. They were quite clear, obsolutely clear, hundred per cent clear. I have just read them out.

Shri Lal Bahadur Shastri: I am also saying the same thing.

Shri Hari Vishnu Kamath: Why do you not sack him? Sack that fellow or otherwise sack yourselves.

Shri Lal Bahadur Shastri: I am prepared to accept the facts that there is some mistake on our part also in this. It would be wrong to suggest that it was only the Ambassador who had slipped. As his name has been mentioned, it would only be fair to tell the House that during these last two or three months, I have found him to be one of our best Ambassadors. . . .

Shri Hari Vishnu Kamath: He went to Djakarta and shook hands with the Chinese there also.

Shri Surendranath Dwivedy: (Kendrapara): Nobody is questioning his capabilities.

Shri Lal Bahadur Shastri: No. His name has been mentioned....

Shri Hari Vishnu Kamath: There is nothing wrong in that. (*Interruptions*).

Shri Lal Bahadur Shastri: If that is the way, then it is impossible. And how am I going to speak?

Shri Hem Barua: It does not matter whether he is good or bad. We are concerned with the fact that he had violated the Government directions.

Mr. Deputy-Speaker: Order, order. I would request hon. Members to hear the hon. Minister.

Shri Hari Vishnu Kamath: We are not concerned with that here, but we are concerned only with his conduct in this particular affair.

Shri Lal Bahadur Shastri: If the hon. Member is not prepared to allow anyone else to speak, I shall sit down, and my hon. friend may carry on.

I would not have said a word about the Ambassador but the hon. Member has mentioned his name and said certain things which were really not in good taste and which should not have been said.

I say on definite authority that I am not merely praising him for something that he has been doing during all these years, but his contribution especially in the Colombo conference as well as the Djakarta conference has been really something very useful.

Shri Hari Vishnu Kamath: That is all extraneous to the present discussion.

Shri Lal Bahadur Shastri: Therefore, I said that it was better not to refer to him here....

Shri Hari Vishnu Kamath: That is irrelevant to this debate.

Shri Lal Bahadur Shastri: I am not prepared to question that, and I would not like that....

Shri Hem Barua: Is that relevant from the point of view of the present discussion? It is irrelevant.

Shri Lal Bahadur Shastri: If hon. Members do not want to hear, I shall sit down, and my hon. friends may carry on.

Shri Ranga: That is all right. We shall all go.

Mr. Deputy-Speaker: Order, order.

Shri Lal Bahadur Shastri: At least, let me have my say. Otherwise, it becomes impossible.

I only wanted to say that the motives might not be questioned. I also said that there had been a mistake on our part also.

Shri Hari Vishnu Kamath: What was the mistake on your part?

Shri Ranga: That is exactly what Government have to say. (*Interruptions*).

Mr. Deputy-Speaker: Order, order.

Shri Lal Bahadur Shastri: How can we go on at this rate? My hon. friend must allow me to speak. Does he only want that I should say about my mistake and sit down?

Shri Ranga: I am glad that the hon. Minister has said that. It is for that that we have been waiting. We are happy that he has said that.

Shri Lal Bahadur Shastri: I always try to be as frank as possible, if only hon. Members would allow me to have my say. Otherwise, it will make the functioning of parliamentary democracy impossible.

I may add that we should have seen the letter which he had sent, and the reply should have been more clear and categorical. From that point of view, I think that we made a mistake.

Shri Hari Vishnu Kamath: What was the mistake?

Shri Lal Bahadur Shastri: Not in this.

As my hon. friend has just now said, he had sent a letter, and we had to send a reply to that, and our reply was not clear.

Shri Hari Vishnu Kamath: Let us have that reply. Here it is, and I have got it in my hand. The reply is very categorical.

Shri Lal Bahadur Shastri: There is another letter from him. It is not that letter—and another reply was sent from here.

I have asked my own Ministry or the Department to look into it, and the person who sent it to be told that his reply should have been clear and categorical....

Shri Hari Vishnu Kamath: Why not give a copy of that here?

Shri Lal Bahadur Shastri: When I say that I feel that the letter was not clear and I admit the mistake, which means that I admit the mistake committed by the officer of the External Affairs Ministry who sent that letter, what more does my hon. friend want?

Shri Hari Vishnu Kamath: The Ministry sent us the gist of all the instructions from December, 1962 to December, 1963. I have got copies of all these instructions here.

Shri Hem Barua: May I humbly submit one thing? This is what they have said....

Shri Lal Bahadur Shastri: What is the date of the letter?

Shri Hem Barua: This is what they have said:

> "Early in December, 1963, just before Mr. Chou En-lai's visit to the UAR, the Indian Ambassador in Cairo suggested that he should

attend all functions in connection with Mr. Chou En-lai's visit, including the return banquet by Mr. Chou En-lai at the Chinese Embassy. In reply, he was informed that if any formal functions are held by the Governments of the countries concerned in his (Mr. Chou En-lai's) honour, you may attend them.".

The quotation ends there, and the next sentence runs thus:

"This clearly meant that only the UAR functions were to be attended by the Ambassador and not the return banquet by Mr. Chou En-lai. The Ambassador, however, misunderstood our instructions and attended the banquet given by Mr. Chou En-lai.".

Shri Hari Vishnu Kamath: Is it possible to misunderstand? Would you have misunderstood this thing?

Mr. Deputy-Speaker: Order, order.

Shri Hem Barua: Even a chaprasi would not misunderstand this.

Shri Hari Vishnu Kamath: That means that he is not good enough for that post.

Shri Lal Bahadur Shastri: I would only say that in the reply, the name of Mr. Chou En-lai is not mentioned.

Shri Hem Barua: Here it is. It is written within brackets.

Shrimati Lakshmi Menon: It is not.

Shri Lal Bahadur Shastri: Here is the copy of the letter before me, and it is not mentioned here; there is nothing within brackets.

Shri Hari Vishnu Kamath: The words 'Mr. Chou En-lai' are not there within brackets?

Shri Lal Bahadur Shastri: No.

Therefore, it was on this basis that I asked our officers of the Ministry why it should not have been made more clear when the reply was sent. I have myself asked for an explanation.

Shri Hari Vishnu Kamath: In whose honour? In our ambassador's honour?

Shri Lal Bahadur Shastri: It is undoubtedly vague—it must be admitted.

Shrimati Renu Chakravartty (Barrackpore): Why doesn't he read out that portion so that he may feel satisfied?

Shrimati Lakshmi Menon: They have got it.

Shri Lal Bahadur Shastri: The letter was given. I do not know; Shri Barua says there is something in brackets.

Shri Hem Barua: Your people have put the brackets.

Shri Lal Bahadur Shastri: I do not know. But here there are no such brackets. I will have to see that.

Shri Ranga: They have been taking shelter behind the Prime Minister and playing ducks and drakes with our fortunes, external affairs and diplomacy.

Shri Hari Vishnu Kamath: India's prestige is in the mud today.

Shri Hem Barua: We would not have divulged this to the House but for the fact that Shrimati Menon made a reference to it.

Shrimati Lakshmi Menon: No, no.

Shri Lal Bahadur Shastri: The letter of course was given to him; though the purpose was entirely different.

Shrimati Lakshmi Menon: You got it under false pretences.

Shri Lal Bahadur Shastri: Anyhow, I leave it at that.

I do not want to take more of your time. I would only like to say that there has been some mistake, mistake, if you like, partly of the Ambassador himself. He should have exercised his discretion. I entirely agree. He knew about our policy. But besides that, partly it is our mistake also, because when he sent a specific letter in spite of the orders of November 1963, the reply also should have been absolutely specific and clear. As it was not so, this misunderstanding arose. We have taken adequate precautions now.

Shri Hari Vishnu Kamath: Has he expressed his regret? Has Government's displeasure and disapproval been conveyed to him?

Shri Lal Bahadur Shastri: I may inform the hon. Member that in fact at the instance of some Members opposite, Shrimati Lakshmi Menon asked the ambassador to give his explanation. He has given his explanation in which he has....

Shri Hem Barua: We suggested to Shrimati Menon to convey Government's displeasure and disapproval to the ambassador concerned confidentially; no shouting about it, we would also not shout about it. That was the bandabost.

Shri Lal Bahadur Shastri: Shrimati Menon might say on that particular matter. But I would be brutally frank. I do not feel satisfied within myself that the ambassador made this mistake deliberately. I am not prepared to accept that. We must be fair both to him as well as to ourselves. If it is our mistake, we should be able to tell the truth.

Shri Surendranath Dwivedy: He deserves promotion on account of that!

Mr. Deputy-Speaker: The House stands adjourned till 11 A.M. on Monday.

17.34 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, April 27, 1964/Vaisakha 7, 1886 (Saka).

GMGIPND—L.S. II—450(Ai) LS—12-5-64—980.